



भारत का राजपत्र

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NO. 26]

NEW DELHI, SATURDAY, JUNE 30, 1990/ASADHA 9, 1912

इस भाग में भिन्न पृष्ठ संख्या वाली है जिससे कि यह बलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सार्विधक आवेदा और अधिसंचारादः
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

कार्मिक, लालक शिक्षायात और पैदान संकालय

(कार्मिक और प्रणिकाण विभाग)

धारणा

दर्दी दिल्ली, 5 जून, 1990

आ.आ. 1746.—ऐक्सीपी सरकार, दिल्ली विभेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पटित धारा 5 की उपधारा (1) द्वारा प्रश्न शक्तियों का प्रयोग करने वाला, पंजाब राज्य की महमदी, से [गृह एवं व्यापक विभाग (हॉली विभाग) पत्र सं. 171-1 एवं III-90/972, वि. 5 मई, 1990] निम्न विभेष पुलिस स्थापना के मवरणों की शक्तियों और अधिकारिता का निम्ननिविष अपराधों के अन्वेषण के लिये भूम्पूर्ण पंजाब राज्य पर विस्तार करती है :—

(क) तत्कालीन संसद सदस्य (फरीदकोट विधायिका सेंटर से) श्री जगदेव मिहू खुदिया के गवर्नर के संबंध में पुलिस स्टेशन लाम्बी, जिला फरीदकोट पंजाब में विनाय 28-12-89 की प्रथम सूचना रिपोर्ट सं. 237 के संबंध में, राजीय दंड संहिता की धारा 364 के अन्वयत दण्डनीय अपराध।

(ख) औपर शक्ति एक या दो विभिन्न अपराधों के संबंध में या उनसे संबंधित प्रवर्त्ती, वृण्डावनी और पद्धतियों के पौर उन्हीं तथ्यों में उल्लंघन होने वाले वैन अंशदवहार के अनुकूल में किया गया या या किए गए कोई अध्य अपराध।

[नं. 228/10/90-ग दो डी. II]

S.O. 1746.—In exercise of the powers conferred by sub-section (1) of Section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government, with the consent of the State Government of Punjab (vide Deptt. of Home Affairs & Justice (Home III Branch letter No. 171-1HII-90/972 dt. 5th May, 1990) hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of State of Punjab for investigation of offences as hereunder:—

- (a) Offences punishable under Section 364 Indian Penal Code (45 of 1860) in regard to case FIR No. 237 dt. 28-12-89 of Police Station Lamli, Distt. Faridkot, Punjab in regard to disappearance of Shri Jagdev Singh Khudian, the then Member of Parliament from Faridkot Constituency.
- (b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/10/90-AVD.II]

(2993)

ग्रादेश

नई दिल्ली, 11 जून, 1990

का.आ. 1747—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्पापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ परिवर्त धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पुलिस याता नगीन, जिला श्रीनगर में 21-5-90 की प्रयोग सूचना निपोर्ट से 6/1/1990 के अन्तर्गत रजिस्टर किए गए, जिनमें श्रीनगर में मौलिकी फारबा की हस्ती के बाबत श्रातंकथादी और विवरणकारी विवादाप (निवारण) अधिनियम, 1987 (1987 का 28) की धारा 3 मारे 4 रनबीर इण्ड महिला के धारा 302, 307, भारतीय शल्व अधिनियम, 1959 (1959 का 54) की धारा 25 के अधीन उत्तरीय भारताधीन और उक्त अपराधों और उन्हीं तथ्यों से उत्पन्न होने वाले क्षेत्र ही संबंधित हस्ती के मनुकम में किए गए किसी अपराधों के संबंध में या उनसे संबंधित प्रथमांशों, तुष्टिराधों और पद्धतियों के अन्वेषण के लिए, जम्मू-काश्मीर सरकार की सहमति, से, दिल्ली विशेष पुलिस स्पापन के भास्त्यों की शक्तियों और अधिकारित का विस्तारण सम्पूर्ण जम्मू-काश्मीर राज्य पर कारते हैं।

[संख्या 228/3/90 ग.वी.आ. II]

ORDER

New Delhi, the 11th June, 1990

S.O. 1747.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government, with the consent of the State Government of Jammu & Kashmir, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Jammu and Kashmir for investigation of offences as hereunder:—

- (a) Offences punishable under section 3 and 4 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (Act No. 28 of 1987), section 25 of Indian Army Act, 1959 (Act No. 54 of 1959), section 307/302 of Ranbir Penal Code, with regard to the terrorist and disruptive activities committed in connection with FIR No. 61 of 1990 dated 21-5-90 of Police Station Nageen, District Srinagar, relating to the murder of Maulvi Farooq son of Maulvi Amin Shah.
- (b) Attempts, abettments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/3/90/AVD.II]

नई दिल्ली 12 जून 1990

का.आ. 1748.—केन्द्रीय सरकार दिल्ली विशेष पुलिस स्पापन अधिनियम 1946 (1946 का अधिनियम में 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित अपराधों को ऐसे अपराधों के रूप में विनिर्दिष्ट करती है, जिनका अन्वेषण दिल्ली विशेष पुलिस स्पापन द्वारा किया जाता है अर्थात्:—

- (क) (i) भारतीय वैद संक्षिप्त (1860 का 45) की धारा 366 के अधीन देवतीय अपराध।
- (ii) किशोर न्याय अधिनियम, 1986 (1986 का अधिनियम में 53) की 41 के अधीन देवतीय अपराध।
- (ख) उपर वर्णित एक या अधिक अपराधों के संबंध में या उनसे संबंधित ग्रास, दुष्प्रेरण और विवरण तथा क्षेत्र ही संबंधित हस्ती के मनुकम में किया गया या किए गए, कोई अन्य अपराध।

[सं. 228/14/90-ग.वी.आ. II]

जी. सी.सारामन, अवर सचिव

Ne June, 1990

S.O. 1748.—In exercise of the powers conferred by section 3 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government hereby specifies the following offences as the offences which are to be investigated by the Delhi Police Establishment, namely:—

- (a) (i) Offences punishable under section 366A Indian Penal Code (Act 45 of 1860);
- (ii) Offences punishable under section 41 of the Juvenile Justice Act, 1986 (Act No. 53 of 1986).
- (b) Attempts, abettments and conspiracies in relation to or in connection with or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction.

[No. 228/14/90-AVD.II]

G. SITARAMAN, Under Secy.

मुद्रितका

नई दिल्ली, 6 जून, 1990

का.आ. 1749.—भारत के राजपत्र, धारा 2 छंड 3, उपचंड (ii), तारीख 6 अगस्त, 1988 में पृष्ठ 2994 पर का.आ. 2388 के रूप में प्रकाशित भारत सरकार के कार्यालय और पेशन मंत्रालय (पेशन और पेशन भीमी कल्याण विभाग) की अधिसूचना माला 2/18/87 पी.एण पी.डब्ल्यू (पी.आर्ड मी.) तारीख 20 अक्टूबर, 1988 में उपनियम (6) के छंड (ग) के पश्चात निम्नलिखित पर्याप्त:—

“(ग) उपनियम (8) के छंड (iii) में 21 वर्ष “द्विंश वर्ष के स्थान पर “25 वर्ष अक्षय और शब्द रखें जाएंगे।”

[संख्या 1/88/89-पी.एण पी.डब्ल्यू. (सी)]

एन. एम. शंकरन, उप-मंत्रिय

ADDENDUM

New Delhi, the 6th June, 1990

S.O. 1749.—In the Notification of the Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Pension and Pensioners' Welfare) No. 2/18/87-P&PW(PIC) dated the 20th July, 1988, published as S.O. 2388 in Part II, Section 3, Sub-section (ii) of the Gazette of India dated the 6th August 1988 at page 2997, after clause (c) of sub-rule (6), read.

“(cc) in sub-rule 8, in clause (iii), for the words “twenty one years” the words “Twenty five years” shall be substituted”.

[No. 1/88/89-P&PW(C)]
N. S. SANKARAN, Dy. Secy.

वित्त मंत्रालय

(राजस्व विभाग)

ग्रादेश

नई दिल्ली, 1 जून, 1990

स्थाप्त

का.आ. 1750—भारतीय स्थाप्त अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के छंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा मैं, कनसोलिडेड फाउंडेशन में (हिन्दिया) सिमिटेड को दो लाख सत्तर हजार रुपये सौ पच्चीस रु.

मात्र से उम समेकित स्टाम्प शुल्क का भुगतान करने की प्रत्युति प्रदान करती है जो उक्त कंपनी द्वारा जारी किए जाने वाले तीन करोड़ साठ लाख उनहातर हजार चार हजार ग्राम्सी रु. माल के कुल अंकित मूल्य के "14 प्रतिशत सुरक्षित पूर्णतः संपरिवर्तनीय शृणपत्रों" पर स्टाम्प शुल्क के कारण प्रभार्य है।

[स. 17/90 स्टाम्प/फा.सं. 33/46/90-वि.क.]

ठाकुर वत्त, उप-सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 1st June, 1990

STAMPS

S.O. 1750.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Consolidated Foundations (India) Limited, to pay consolidate³ stamp duty of rupees two lakhs, seventy thousand, five hundred and twenty-five only, chargeable on account of the stamp duty on "14% secured fully convertible debentures" of the aggregate face value of rupees three crores, sixty lakhs, sixty nine thousand, four hundred and eighty only to be issued by the said company.

[No. 17/90-Stamp/F. No. 33/46/90-ST]

THAKUR DATT, Dy. Secy.

(आर्थिक कार्ये विभाग)

(वीमा प्रभाग)

नई विल्ली, 12 जून, 1990

का.आ. 1751—केंद्रीय सरकार, भारतीय जीवन वीमा अधिनियम, 1956 (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय यूनिट ट्रस्ट के अन्यथा आ.एफ.ए. शुल्क को तकल्ल से और अगले अवैश्य जारी होने तक, श्री एम.जे. सरवाही के स्थान पर भारतीय जीवन वीमा नियम के वर्द्ध के सदर के रूप में नियुक्त करती है।

[एक सं. 110/2/वीमा-IV/90]

जी. सी. बासुमतारी, उप-सचिव

(Department of Economic Affairs)

(Insurance Division)

New Delhi, the 12th June, 1990

S.O. 1751.—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby appoints Dr. S. A. Dave, Chairman, Unit Trust of India as Member of the Board of the Life Insurance Corporation of India vice Shri M. J. Pherwani with immediate effect and until further orders.

[F. No. 110/2/Ins. IV/90]

G. C. BASUMATARI, Dy. Secy.

(वैकिंग प्रभाग)

नई विल्ली, 12 जून, 1990

का.आ. 1752—सरकारी स्थान (भ्राम्भिकृत अधिभोगियों की बेवाली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त

शक्तियों का प्रयोग करते हुए और भारत सरकार वित्त मंत्रालय, राजस्व विभाग विकिंग विभाग (वैकिंग विभाग) में 30-4-1977 की भारत के राजगांत्र के भाग I प्राप्त 3 के उपर्योग (ii) में प्रकाशित वित्तांक 12-4-1977 की अधिसूचना संख्या का.आ. 1236 का अविवासन करते हुए, ऐसे अधिकारण से पहले किए गए कार्यों और उनके लिए लोड गए कार्यों की छोड़कर, बैन्ड्रीय सरकार एकद्वारा निम्नलिखित सारणी के कालम (2) में उल्लिखित उन अधिकारियों को नियुक्त करती है, जो सरकार के राजपत्रित अधिकारियों के स्तर के समवक्ष अधिकारी होंगे, और उक्त अधिनियम, के प्रयोगकाल के लिए सम्पूर्ण अधिकारी (एस्टेट अफिसर) होंगे, जो उस अधिनियम द्वारा प्रदत्त शक्तियों का प्रयोग करेंगे तथा इसके अधीन उक्त सारणी के कालम (3) में उल्लिखित सरकारी स्थानों के संघर्ष में अपने अधिकार शक्ति की त्वानीय सीमाओं के अंतर्गत सम्पूर्ण अधिकारियों को सोने गए कर्तव्यों को पूरा करेंगे।

मारणी

नम तं, अधिकारी का पद सरकारी स्थानों की श्रेणियां और अधिकारी शक्ति की सीमा

- उप महाप्रबंधक, सेंट्रल सेंट्रल बैंक आफ इंडिया की अधिकारी द्वारा अधिकार उसकी ओर से पट्टे पर लिए गए तथा उसके प्रशासनिक नियंत्रण में गुरुगत राज्य सभा व मन और दीप संघ राज्य में अवस्थित स्थान।
- उप महाप्रबंधक सेंट्रल सेंट्रल बैंक आफ इंडिया भोपाल अधिकारी द्वारा अधिकार उसका ओर से पट्टे पर लिए गए तथा उसके प्रशासनिक नियंत्रण में प्रदेश तथा उत्तर प्रदेश राज्यों में अवस्थित स्थान।
- उप महाप्रबंधक गंडल सेंट्रल बैंक आफ इंडिया गंडल अधिकारी द्वारा अधिकार उसकी ओर से पट्टे पर लिए गए तथा उसके प्रशासनिक नियंत्रण में पश्चिम बंगाल, उडीसा, असम, मेघालय, अस्सिम तथा अंगुर तथा नागालैण्ड राज्यों में अवस्थित स्थान।
- उप महाप्रबंधक तंडल सेंट्रल बैंक आफ इंडिया तंडल अधिकारी द्वारा अधिकार उसकी ओर से पट्टे पर लिए गए तथा उसके प्रशासनिक नियंत्रण में पंजाब, हरियाणा, हिमाचल प्रदेश, तथा जम्मू और कश्मीर राज्यों में अवस्थित स्थान।
- उप महाप्रबंधक सेंट्रल सेंट्रल बैंक आफ इंडिया वटना अधिकारी द्वारा अधिकार उसकी ओर से पट्टे पर लिए गए तथा उसके प्रशासनिक नियंत्रण में बिहार राज्य में अवस्थित स्थान।
- उप महाप्रबंधक सेंट्रल सेंट्रल बैंक आफ इंडिया वर्माई अधिकारी द्वारा अधिकार उसकी ओर से पट्टे पर लिए गए तथा उसके प्रशासनिक नियंत्रण में महाराष्ट्र (वर्माई तथा आने जिलों की छोड़कर) और प्रदेश, गोर्कांग, तालिमानालु, केरल तथा पांचिंगरी सभ राज्य में अवस्थित स्थान।
- उप महाप्रबंधक संस्कृत संस्कृत बैंक आफ इंडिया अधिकारी द्वारा अधिकार उसकी ओर से पट्टे पर लिए गए तथा उसके प्रशासनिक नियंत्रण में महाराष्ट्र के वर्माई तथा आने जिलों में अवस्थित स्थान।

(Banking Division)

New Delhi, the 12th June, 1990

S.O. 1752.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the Notification of the Government of India in the Ministry of Finance, Department of Revenue and Banking (Banking Wing), No. S.O. 1236 dated 12-4-1977 published in the Gazette of India, Part II section 3 sub-section (ii), dated 30-4-1977, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officers mentioned in column (2) of the Table below, being the officers equivalent to the rank of a gazetted officer of the Government, to be an estate officers for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act, within the local limits of their respective jurisdictions, in respect of the public premises specified in the corresponding entry in column (3) of the said Table :—

TABLE

Sl. Designation of the officer No.		Categories of public premises and local limits of jurisdiction
(1)	(2)	(3)
1. The Deputy General Manager, Central Bank of India, Ahmedabad.		Premises belonging to, or taken on lease by, or on behalf of, and under the administrative control of the Central Bank of India and situated in the State of Gujarat and Union Territory of Daman and Diu.
2. The Deputy General Manager, Central Bank of India, Bhopal.		Premises belonging to, or taken on lease by, or on behalf of, and under the administrative control of the Central Bank of India and situated in the State of Madhya Pradesh and Uttar Pradesh.
3. The Deputy General Manager, Central Bank of India, Calcutta		Premises belonging to, or taken on lease by, or on behalf of, and under the administrative control of the Central Bank of India and situated in the States of West Bengal, Orissa, Assam, Meghalaya, Arunachal Pradesh, Manipur and Nagaland.
4. The Deputy General Manager, Central Bank of India, New Delhi		Premises belonging to, or taken on lease by, or on behalf of, and under the administrative control of the Central Bank of India and situated in States of Punjab, Haryana, Himachal Pradesh and Jammu and Kashmir.
5. The Deputy General Manager, Central Bank of India, Patna.		Premises belonging to, or taken on lease by, or on behalf of, and under the administrative control of the Central Bank of India and situated in the State of Bihar.
6. The Deputy General Manager, Central Bank of India. Bombay Metropolitan Zonal Office, Bombay		Premises belonging to, or taken on lease by, or on behalf of, and under the administrative control of the Central Bank of India and situated in the States of Maharashtra (except Bombay and Thane)

OFFICE OF THE CHIEF CONTROLLER OF IMPORTS & EXPORT

ORDER

New Delhi, the 13th June, 1990

S.O. 1755.—In Larsen and Toubro Ltd., Bangalore Works, Bellary Road, Byatarayanapur, Bangalore were granted an import licence No. P/D/2279087 dated 11-1-90 for Rs. 1,09,63,000 (Rupees one crore nine lakh and sixty three thousand only) for import of Components for manufacture of earthmoving machinery including wheel loaders under G.C.A.

2. The firm has applied for issue of Duplicate copy of Customs Purpose Copy of the above mentioned licence on the ground that the original Customs Purposes Copy of the licence has been lost or misplaced. It has further been stated that the Customs Purposes copy of the licence was registered with Madras Customs Authority and as such the value of Customs Purpose copy has been utilised partly.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public, Bangalore. I am accordingly satisfied that the original Customs Purposes copy of import licence No. P/D/2279087 dated 11-1-90 has been lost or misplaced by the firm. In exercise of the powers conferred under Sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs Purposes copy No. P/D/2279087 dated 11-1-90 issued to M/s. Larsen and Toubro Ltd., Bangalore is hereby cancelled.

4. A duplicate Customs Purposes copy of the said licence is being issued to the party separately.

[No. Suppl/NS. 14/1780/DGTD/AM. 90/SLS/240]

आदेश

का.आ. 1756.—मैंने चाटेनेक लैमिटेड नेशनल काजरात जिला रायगढ़ की मामाटा पूरा लोवे ने प्रत्यक्षत गारंटी सेव्स आयात करने के लिए 59,600/- रु. (उनके हातार दो सौ रुपये मात्र) के लिए एक आयात लाइसेंस सं. बी.आ. 2277318 दिनांक 3-8-89 दिया गया था।

2. कर्म ने उपर्युक्त आयात लाइसेंस की अनुलिपि प्रतिरूप (दोनों प्रतिरूपों) के लिए इस आधार पर आवेदन किया है कि मूल लाइसेंस खो गया या गुम हो गया है। आपेह भी कहा गया है कि मूल लाइसेंस किसी भी अंग्रेजी अधिकारी के पास पंजीकृत नहीं करवाया गया था और सीमांशुलक नियांसी प्रति के तूहारा रुपये का विन्कून भी उर्योग नहीं किया गया है।

3. अपने लक्ष के समर्थन में लाइसेंस धारे ने नोटरी पिंडार, महाराष्ट्र के सामने विधिवत शपथ लेकर स्वाख्यप्रेपर पर एक एप्पलाव दिखिल किया है तथा तुमार मैं न्युट्रिट्स हूँ कि मूल आयात लाइसेंस सं. पा.आ/ 2277318 दिनांक 3-8-89 कर्म से खो गया या गुम हो गया है। यथा संशोधित आयात (नियंत्रण) आवेदन, 1955 दिनांक 7-12-55 की उद्धारा 9(ग) के अनुसार प्रदत्त अधिकारी का प्रयोग करते हुए यैसस टाटेनेक लैमिटेड गढ़ाराष्ट्र की जारी किए गए उक्त मूल लाइसेंस पा.आ/ 2277318 दिनांक 3-8-89 जा एवढारा रख किया है।

4. पार्टी को प्रत्यक्ष आयात लाइसेंस की अनुलिपि प्रति धारण से जारी की जा रही है।

[पं. सप्त.एन.एस/1/226 डी. ओ. टी. ओ/ए. एम-90
एस. एस. एस/241]

ORDER

S.O. 1756.—M/s. Chatelac Vehicles India Ltd., Nerul Kajrat, Dist. Raigad, Maharashtra were granted an import licence No. P/D/2277318 dated 3-8-89 for Rs. 59,600 (Rupees Fifty nine thousand and six hundred only) for import of Warranty spares under G.C.A.

2. The firm has applied for issue of Duplicate import licence (Both Copies) of the above mentioned licence on the ground that the original licence has been lost or misplaced. It has further been stated that the original licence was not registered with any Customs Authority and as such the value of Customs Purposes copy has not been utilised at all.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Maharashtra. I am accordingly satisfied that the original import licence No. P/D/2277318 dated 3-8-89 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original licence No. P/D/2277318 dated 3-8-89 issued to M/s. Chatelac Vehicles India Ltd., Maharashtra is hereby cancelled.

4. A duplicate supplementary import licence is being issued to the party separately.

[No. Suppl/NS-1/226/DGTD/AM-90/SLS/241]

आदेश

नई दिल्ली, 15 जून, 1990

का.आ. 1757.—मे. इन्डिया इंस्ट्रॉनिक्स प्रा. लि., 1146 एम आई जी, सेक्टर-27, गांधी नगर को गान्धीनगर सुदूर भेत्र के प्रस्तुति परिषिष्ठ-2 व्यक्ति भवो के आयात के लिए 15,58,200 रु. (पंद्रह लाख रुपये का हातार दो सौ रुपये मात्र) के लिए लाइसेंस सं. पा.एस. 2017990 दिनांक 20-12-88 दिया जाया था।

2. कर्म ने उपर्युक्त लाइसेंस की अनुलिपि मूल विनियम प्रति के लिए इस आधार पर आवेदन किया है कि नाइसेंस का मूल लाइसेंस विनियम नियंत्रण ग्रंथि या गई या गुप हो गई है। त्रागे यह भी बनाया गया है कि लाइसेंस की मूल विनियम विनियम ग्रंथि सीमांशुलक प्रधिकारी, प्रहसनशाहाद के पांग गंडारुन थी और गान्धीनगर नियांसी प्रति के मूल्य का अंगूष्ठ उत्तरोग था किया गया है।

3. वाने तर्क के समर्थन में, जहांसरारों ने नोटरी पिंडार प्रदत्तशाहाद, को सामने विधिवत ग्रंथि लेकर स्टार्टर कल्पन पर गान्धीनगर विनियम किया है। तथा तुमार मैं संसुष्ट हूँ कि आयात लाइसेंस सं. पा.एस. 2017990 दिनांक 20-12-88 का इस विनियम विनियम ग्रंथि से खा गई या गुप हो गई है। यद्यांगतेवा आयात नियंत्रण) आदेश, 1955 दिनांक 7-12-55 की उत्तराधारा 9(पर) द्वारा प्रदत्त अधिकारी का प्रयोग होते हुए पै.एस. इन्डिया इंस्ट्रॉनिक्स प्रा. लि. को जारी किये गये आयात लाइसेंस सं. पा.एस. 2017990 को उस मूल लाइसेंस में नियंत्रण ग्रंथि एवढारा रख रहा जानी है।

4. उक्त लाइसेंस की अनुलिपि मूल विनियम नियंत्रण प्रति पार्टी को अलग से जारी की जा रही है।

[पं. सप्त.एन.एस/9/797 एस. एम. आई. ए. पं.ए.एस.एन.एस.]

सं. कुरुर जा नुग विवर व नियंत्रणी।

ORDER

New Delhi, the 15th June, 1990

S.O. 1757.—M/s. Alba Electronics Pvt. Ltd., 1146 MIG Sector-27, Gandhinagar, were granted an import licence No. P/S/2017990 dated 20-12-88 for Rs. 15,58,200 (Rupee Fifteen

lakhs forty eight thousand and two hundred only for import of Appendix 2B items under G.C.A.

2. The firm has applied for issue of Duplicate Exchange Control purposes copy of the above mentioned licence on the ground that the original Exchange Control copy of the licence has been lost or misplaced. It has further been stated that the Exchange Control copy of the licence was registered with Customs Authority, Ahmedabad and as such the value of Customs Purpose copy has been utilised partly.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Ahmedabad. I am accordingly satisfied that the original Exchange Control copy of import licence No. P/S/2017990

dated 20-12-88 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause (9)(cc) of the Import (Control) Order, 1955 dated 7-12-55 as amended the said original exchange control copy No. P/S/2017990 dated 20-12-88 issued to M/s. Alba Electronics Pvt. Ltd., is hereby cancelled.

4. A duplicate Exchange Control copy of the said licence is being issued to the party separately.

[No. Suppl/NS-9/797/SSII/AM-89/SLS/244]

S. KUJUR Dy. Chief Controller of Imports & Exports

स्वातं पांडं नागरिक पूर्ति मंत्रालय

(नागरिक पूर्ति विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 6 जून, 1990

का घा. 1758.—भारतीय मानक ब्यूरो (प्रमाणन महर) नियम 1955 के नियम 3 के उन्नियम (2) और विनियम 3 के उपविनियम (2) और (3) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा प्रधिसूचित किया जाता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे 1989-04-30 से स्थापित किए गए हैं।

अनंतर्वर्ती

क्रम	स्थापित भारतीय मानक की संख्या और शीर्षक	नए भारतीय मानक द्वारा अनियमित भारतीय मानक भ्रष्टवा मानकों, यदि कोई हो, की संख्या और शीर्षक	टिप्पणी यदि कोई हो
(1)	(2)	(3)	(4)

1. IS: 6893 (भाग 1)-1988 मणीत थोजारों की खरीद विशिष्ट हेतु प्रोफार्म, IS: 6893 (भाग 1)-1973
भाग 1 ममान्तर खरीद और यथार्थ खरीद
(पहला पुनरीक्षण)

2. IS: 7339-1988 दांत निवालने के अन्तर्वर्ती वैड जम्बून की विशिष्ट IS: 7339-1974
(पहला पुनरीक्षण)

3. IS: 8017-1988 प्रतीपन युक्तियों नहिं विद्युत इलेक्ट्रिक इलेक्ट्रिक उपकरणों की विशिष्ट IS: 8017-1976
विशिष्ट
(पहला पुनरीक्षण)

4. IS: 8271 (भाग 6/अनुभाग 3)-1988 आँखें नियंत्रण और चुनाय हेतु क्वार्टज किस्टल इकाइयों भाग 6 दोलकों हेतु श्रेणी बी एफ ब्लैड 3 क्वार्टज किस्टल इकाई टाइप बी एफ-3

5. IS: 8499-1988 फाइल हेतु टैग की विशिष्ट IS: 8499-1977
(पहला पुनरीक्षण)

6. IS: 8688-1988 प्लास्टिक की पेय जल की बोतल की विशिष्ट IS: 8688-1977
(पहला पुनरीक्षण)

7. IS: 8768-1988 हेजन इकाइयों में रसायनिक द्रव उत्पादों में रंग मापन की विधि IS: 8768-1978
(पहला पुनरीक्षण)

8. IS: 9181-1988 सीक्लैम्प की विशिष्ट IS: 9181-1988
(पहला पुनरीक्षण)

9. IS: 9339-1988 मोरोड ग्रो. रिविवेंटिन की विशिष्ट IS: 9339-1979
(पहला पुनरीक्षण)

10. IS: 9420 (भाग 1)-1988 दीजल ईधन इंजेक्शन उपस्कर हेतु भरण पम्प की विशिष्ट IS: 9420 (भाग 1)-1980
(भाग 1 बाह्य आयाम (पहला पुनरीक्षण)

11. IS: 11967 (भाग 3/अनुभाग 2)-1988 रेडियो भावुनि सहायता केबल की विशिष्ट,
भाग 3 ठोस एक्ट्रोडिट/टिपलिपटी, खंड 2 नम्बर टाइप आर 50-3एफ. 2

(1)	(2)	(3)	(4)
12. IS : 12280-1988 काउन्सर बोर्ड रिप्रेटेन्ट की विशिष्टि	—	—	—
13. IS : 12296-1988 बेलनाकार डाइयों एंट्रिट बागा रीलिंग मशीन का परीक्षण बार्ट	—	—	—
14. IS : 12311-1987 निकिता प्रयोगों में देतु सूर्य सर्वं उत्तरायार्द्धा उपरकर	—	—	—
15. IS : 12312-1987 प्रेरण बोल्टला विष जक की विशिष्टि	—	—	—
16. IS : 12313-1988 नान मिज्ज १ टर्न हे पित्र बार्बन हम्पान गढ़शर की विशिष्टि	—	—	—
17. IS : 12315 (भाग 1)-1988 धूल के अनन्तम प्रज्ञवलन नापमान के निर्धारण की विधि	—	—	—
18. IS : 12349-1988 शाय में रक्तग्रन्थु गुद्धा परीक	—	—	—
19. IS : 12437-1988 प्रेरण टाक्सर आधालों की विशिष्टि	—	—	—
20. IS : 12449 (भाग 2)-1988 स्टाइंग युक्तियों की विशिष्टि (ग्लो म्टार्टर के अलावा) भाग 2 कार्यकारिता अपेक्षाएँ	—	—	—
21. IS : 12459-1988 केबल रन में शाय गे मुरक्का की गीति संहिता	—	—	—
22. JS : 12467-1988 धूम्रपान सामग्री डाय कर्नीचर हेतु अपर्नोनस्ट्री मामप्री की प्रज्ञवलन शीलता के निर्धारण की विधि	—	—	—
23. IS : 12469-1988 अप्रिन मान तंत्रों द्वारा पम्प की विशिष्टि	—	—	—
24. IS : 12473 (भाग 6)-1988 ज्वाला अणु घबरोण स्पेक्ट्रोमीट्री द्वारा कठोर धातुओं का रासायनिक विश्लेषण भाग 60. 1 में २ प्रतिशत (इयमान मार) तक क्रोमियम का निर्धारण	—	—	—
25. IS : 12482-1988 हस्त त्रानिन डस्टर की परीक्षण विधि	—	—	—
26. IS : 12492-1988 संपीड़ित शाय हेतु धर्मो प्लास्टिक हौज की विशिष्टि (बस्त्रावि द्वारा प्रबन्धित) की विशिष्टि	—	—	—
27. IS : 12495-1988 फोटोप्राक्षिय प्रेष के पोटेशियम पेरोसाइनहैट की विशिष्टि	—	—	—
28. IS : 12496-1988 औद्योगिक रेडियोग्राफी हेतु फिल्म के साझ	—	—	—
29. IS : 12497 (भाग 1)-1988 बम्बूक की गोली हेतु प्लास्टिक के कार्ट्रिज की विशिष्टि, भाग 1 सामान्य औपचार्य	—	—	—
30. IS : 12509-1988 गिरर मूलर काउन्सर हेतु परीक्षण प्रक्रिया	—	—	—
31. IS : 12510-1988 दीवार की घड़ी विशिष्टि (सैटरी चालित)	—	—	—
32. IS : 12512-1989 एंड ईपी ई आधान-द्रव कृषि कीटनाशक १ से ५ विटर तक प्रारिता बाले—विशिष्टि	—	—	—
33. IS : 12515-1988 दो व्यक्तियों द्वारा आमने सामग्र से पकड़ कर प्रयोग की जाने वाली आर्मी हेतु नवार्थी के लिए ही विशिष्टि	—	—	—
34. IS : 12516 (भाग 2)-1988 गंड के गुण आटे के भौतिक लक्षणों के निर्धारण की विधि भाग 2 एक्सनसोनाफ का प्रयोग करते हुए जल अवशोषण और आपने जल रोक सकने का गुण	—	—	—
35. IS : 12516 (भाग 3)-1988 गेहू वे गुण आटे के भौतिक लक्षणों की निर्धारण विधि भाग 3 एनेरिग्राफ का प्रयोग करते हुए जल अवशोषण और आपने जल रोक सकने का गुण	—	—	—
36. IS : 12521-1988 कायरिम रिच की विशिष्टि	—	—	—
37. IS : 12524-1988 मुख्य बैक बैगेज कनेनर लोडर की मामान्य अपेक्षा	—	—	—
38. IS : 12532-1988 फैल्ट पेन स्याही की विशिष्टि	—	—	—

इन भारतीय मानकों की प्रतियां भारतीय मानक व्यूरो, ९ बहादुरगाह जकर मार्ग, नई दिल्ली-११००२ सथा इसके भेदीय कार्यालय-कलकत्ता, चंडीगढ़, पड़ास और बांग्लादेश एवं शास्त्रा कार्यालयों—आमवायात, बंगलौर, भोपाल, भुवनेश्वर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना और किंबेन्नम में विश्री के लिए उपलब्ध हैं।

[सं. सी एम बी 13 : 2]

एस. सूबहमण्ड, अबर महानिवेशक

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 6th June, 1990

S.O. 1758.—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established on 1989-04-30 :

SCHEDELE

Sl. No., Year and Title of the Indian Standard(s) Established	No. and year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Remarks, if any
1. IS:6893 (Part I)—1988 proforma for purchase specification for machine tools Part 1 General purpose parallel lathes and precision lathes (First Revision)	IS:6893 (Part 1)—1973	—
2. IS:7339—1988 Specification for pliers, anterior band removing, dental (First Revision)	IS:7339-1974	—
3. IS:8017-1988 Specification for vitreous enamelled reflectors for use with illuminating device. (First Revision)	IS:8017-1976	—
4. IS:8271 (Part 6/Sec 3)—1988 Specification for Quartz crystal units used for frequency control and selection Part 6 Series BF for oscillators Section 3 Quartz crystal unit type BF-03	—	—
5. IS:8499-1988 Specification for tags for files (First Revision)	IS:8499-1977	—
6. IS:8688-1988 Specification for plastics potable water bottles (First Revision)	IS:8688-1977	—
7. IS:8768-1988 Method of measurement of colour in liquid chemical products in haen units (First Revision)	IS:8768-1978	—
8. IS:9181-1988 Specification for O-Clamps (First Revision)	IS:9181-1988	—
9. IS:9339-1988 Specification for pomades and brilliantines (First Revision)	IS:9339-1979	—

(1)	(2)	(3)	(4)
10.	IS:9420 (Part 1)—1988 Specification for feed pumps for diesel fuel injection equipment Part 1 External dimensions (First Revision)	IS:9420 (Part 1)—1980	—
11.	IS:11967 (Part 3/Sec 2)—1988 Specification for radio frequency coaxial cables Part 3 Solid extruded/type wrapped PTFE Section 2 Flexible, type R50-3 FO2	—	—
12.	IS:12280-1988 Specification for Tenon without counterbore	—	—
13.	IS:12296-1988 Test Chart for thread rolling machines with cylindrical dies.	—	—
14.	IS:12311-1987 Specification for Microwave diathermy equipment for therapeutic purposes.	—	—
15.	IS:12312-1987 Specification for Inductive voltage dividers	—	—
16.	IS:12313-1988 Specification for Hot-Dip terne coated carbon steel sheets.	—	—
17.	IS:12315 (Part 1)—1988 Methods for determining the minimum ignition temperature of dusts Part 1 dust layer on a heated surface at a constant temperature.	—	—
18.	IS:12349-1988 Fire protection-Safety signs.	—	—
19.	IS:12427-1988 Specification for Transmission tower bolts.	—	—
20.	IS:12449 (Part 2)—1988 specification for starting devices (other than glow starters) Part 2 Performance requirements.	—	—
21.	IS:12459-1988 Code of practice for fire safety in cable runs	—	—
22.	IS:12467-1988 Method for determination of the ignitability of upholstered composites for seating for furniture by smoker's materials.	—	—
23.	IS:12469-1988 Specification for Pumps for fire fighting system	—	—
24.	IS:12473 (Part 6)—1988 Chemical analysis of hardmetals by flame atomic absorption spectrometry Part 6 Determination of chromium in contents from 0.01 to 2 percent (m/m)	—	—

(1)	(2)	(3)	(4)
25.	IS:12482-1988 Methods of test for manually operated dusters.	—	—
26.	IS:12492-1988 Specification for thermoplastics hoses (textiles reinforced) for compressed air	—	—
27.	IS:12495-1988 Specification for potassium ferricyanide, photographic grade.	—	—
28.	IS:12496-1988 Sizes of film for industrial radiography.	—	—
29.	IS:12497 (Part 1)—1988 Specification for plastic cartridges for shot guns Part 1 General requirements.	—	—
30.	IS:12509-1988 Test procedure for geiger-muller counters	—	—
31.	IS:12510-1988 Specification for wall clock (Battery operated)	—	—
32.	IS:12512-1989 HDPE containers - For liquid pesticides-capacity over 1 and up to 5 litres—Specification	—	—
33.	IS:12515-1988 Specification for wooden setting cat for two-men cross cut saws.	—	—
34.	IS:12516 (Part 2)-1988 Method for determination of physical characteristics of doughs made from wheat flour Part 2 Rheological properties using an extensograph	—	—
35.	IS:12516 (Part 3)—1988 Method for determination of physical characteristics of doughs made from wheat flour part 3 Water absorption and Rheological properties using a valorigraph	—	—
36.	IS:12521-1988 Specification for cross Rim Wrenches.	—	—
37.	IS:12524-1988 General requirements for main deck baggage container loader.	—	—
38.	IS:12532-1988 Specification for Felt Pen Ink.	—	—

Copies of these Indian Standards are available for sale with the Bureau of Indian Standards 9 Bahadur Shah Zafar Marg Manak Bhavan New Delhi-110002. and Regional Offices Calcutta, Chandigarh, Madras and Bombay and also from its Branch Offices at Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Guwahati, Hyderabad, Jaipur, Kanpur, Patna and Trivandrum.

उच्चाग्र मंत्रालय

(कम्पनी कार्यविभाग)

नई दिल्ली, 14 जून, 1990

का.पा. 1759.—एकाधिकार तथा भवरोपक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उपधारा (3) के अनुसार इस अधिसूचना के मनुलग्नक में उल्लिखित उपक्रमों के पंजीकरण के निरस्तीकरण को अधिसूचित करती है, क्योंकि उक्त उपक्रम ऐसे उपक्रमों में से हैं, जिन पर उक्त अधिनियम के अध्याय-3 के भाग के अध्याय के उपबाध प्रब लागू नहीं होते हैं।

मनुलग्नक

क्र.सं.	उपक्रम का नाम	पंजीकृत कार्यालय	पंजीकरण संख्या
1.	मैसर्स कोठारी (मद्रास) इंडरनेशनल लिमिटेड	“कोठारी विल्डिंग” शाक्स नम्बर 3309, ननगामबक्कम हाई रोड, मद्रास-600034	1315/76
2.	मैसर्स सीक्योरिटीज प्रापरेशंस एंड कम्पनी लिमिटेड, हास्ट्स मेंट	-यथोपरि-	2430/86
3.	मैसर्स कोठारी एंड सन्स	-यथोपरि-	1335/77

[सं. 16/1/90-एम-3]

एम. बी. सिंह, उप सचिव

MINISTRY OF INDUSTRY

(Department of Company Affairs)

New Delhi, the 14th June, 1990.

S.O. 1759.—In pursuance of sub-section (3) of section 26 of the Monopolies and Restrictive Trade Practices Act, 1969

(54 of 1969), the Central Government hereby notifies the cancellation of the registration of the undertakings mentioned in the Annexure to this Notification, the said undertakings being undertakings to which the provisions of Part A, Chapter-III of the said Act no longer apply.

ANNEXURE

Sl. No.	Name of the Undertaking	Registered Office	Registration Number
1.	M/s. Kothari (Madras) International Limited.	'Kothari Building, Box No. 3309 Nungambakkam High Road, Madras : 6000 034	1315/76
2	M/s. Securities Operations & Investment Company Ltd.	-do-	2430/86
3.	M/s. Kothari & Sons	-do-	1335 77

[No. 16/1/90-M. III]

S.B. SINGH, Dy. Secy.

उच्चाग्र मंत्रालय

(विषय विभाग)

नई दिल्ली, 8 जून, 1990

का.पा. 1760.—सार्वजनिक परिवर्त (भारतीयों की बेवज्जली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा मंदा अधिकारी का प्रयोग करते हुए केन्द्रीय सरकार द्वारा एतद्वारा नीचे दी गई तालिका के कालम (1) में निश्चित राष्ट्रीय हाप विद्युत निगम लिमिटेड, एक सार्वजनिक प्राधिकरण के अधिकारी जो कि भारत सरकार के राजपत्रित अधिकारी के संपक्ष हैं, को कठिन अधिनियम के प्रयोजनों के लिए मंदा अधिकारी नियुक्त किया जाता है जो कठिन तालिका के कालम 2 में भाग अधिकारित होने वाले सार्वजनिक परिवारों का श्रेणीयों के आरं भें कठिन अधिनियम के द्वारा मंदा अधिकारी इसके मन्त्रालय संदर्भ अधिकारी को प्रवत की गई शर्तों का उपयोग कर सकेगा और मंदा अधिकारी को सौंपे गये कर्तव्यों का निश्चिह्न करेगा।

तालिका।

अधिकारी का नाम और पदनाम	मार्गदर्शक परिसरों की शैली
श्री रफी उल्लाह खां, सहायक विधि अधिकारी	विलासगुरु, जिला कोरबा (माय प्रदेश) में कोरबा सुपर-ताप विद्युत परियोजना के स्वामित्व वाली, पटे पट्ट वी गढ़ अधिकारी किंवा पर दी गई भूमि, सभी क्वार्टर, सम्पदा सम्पत्ति और अन्य व्यापार।

[म. 8/2/90-पू.एम. (सी.टी.)]
के. एन. बिस्वास, अधिकारी, गवर्नर गवर्नर

MINISTRY OF ENERGY

(Department of power)

New Delhi, the 8th June, 1990

S.O. 1760—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the table below being an officer of the National Thermal Power Corporation Limited, a statutory authority and equivalent to the rank of a Gazetted Officer of the Government of India, to be the Estate Officer for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on an Estate Officer by or under the said Act in respect of the categories of public premises specified in the corresponding entry in column (2) of the said table.

TABLE

Name and Designation of Officer	Categories of public premises
(1)	(2)
1 Shri Rafi Ullah Khan, Asstt. Law Officer	All lands, quarters estates properties and other accommodation owned, leased or rented by the Korba Super Thermal Power project, in Korba Distt Bilaspur (Madhya Pradesh)

[No. 8/2/90-US(CT)]
K.N. BISWAS, Under Secy.

(कोरला विभाग)

नई दिल्ली, 12 जून, 1990

सा.आ. 1761—केन्द्रीय सरकार ने, कोरला धारक भेज (धर्म और विद्यालय) अधिकारी, 1957 (1957 वा. 30) जी धीरा. 1 को उत्तराधीन भारत के नगरपाल, भाग 2, लंब 3, अंकड़ (ii), सारिया 17 जून, 1989 में प्रवासित भारत भरकार के ऊर्जा विभाग (कोरला विभाग) की अधिकारी का, धा. सं. 1373, दार्ता 15 मई, 1989 द्वारा उम भवन सुन्दरी से मौद्रिक विक्रेता में को भूमि में 1272.4210 हेक्टर (लग्जर्ग) पा 3144.149 एकड़ (लग्जर्ग) भूमि में कोरला का पुरक्षेत्र करने के अपने दावान की सुन्दरी थी थी;

और विभाग गवर्नर वा यह समाधान हो गया है कि उक्त भूमि के भाग में कोरला अधिकारी है।

इस, अब विभाग गवर्नर, दक्ष अधिकारी की धारा 7 को उपधारा (1) द्वारा प्रदत्त विभाग का प्रयोग करते हुए विभागित वा दर्ता 15 विषय से जुड़ी की सूचना देती है।

(क) इसके संलग्न भवन सुन्दरी "क" में धर्मिण 153.746 हेक्टर (लग्जर्ग) पा 379.90 एकड़ (लग्जर्ग) भाग की भूमि;

(ख) इसके मौद्रिक इनुक्षा "ख" में धर्मिण 1116.291 हेक्टर (लग्जर्ग) पा 2758.35 एकड़ (लग्जर्ग) भाग जीर्ण भूमि में जितियों के बनाव, और वरने, उनकी व्युत्पादन करने और व्यापार वर्तने, उन्हें प्राप्त करने उन 45 वार्ष्य करने और उन्हें तो जाने के अधिकार।

टिप्पणी -1 : इस अधिसूचना के अंतर्गत आवेदन को देखांक सं. एम.ई.सी. एल. : बी. एस.००३. : जी. एम. (पी/एम) भूमि: 63, तारीख ८ फरवरी, 1990 का निरीक्षण कलकटा, सरगुजा (मध्य प्रदेश) के कायानिय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कायानिय में या साउथ ईस्टन कोलफॉल्क्स लि., (राजस्व अनुभाग) सीपत रोड, बिलासपुर-495001 (मध्य प्रदेश) के कायानिय में किया जा सकता है।

टिप्पणी-2 : पूर्वोक्त अधिनियम की धारा 8 के उपर्योग की ओर इन आकृत्य किया जाता है जिसमें निम्नलिखित उपर्युक्त हैं :

8. अर्जन की वावन आपत्तियाँ

(1) कोई व्यक्ति जो किसी भूमि में जिसकी वावन धारा 7 के अधीन अधिसूचना विकाली गई है, हितवद्ध और प्रदूषण के द्वारा जाने से सीम विन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर किसी अधिकारी का अर्जन किया जाने के बारे में आपत्ति कर सकता है।

स्पष्टीकरण—इस धारा के अर्थात् यह आपत्ति मही मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के निए स्वयं जनन संभित्याएं करना चाहता है और ऐसी संक्रियाएं केवल सरकार या किसी अन्य व्यक्ति को नहीं करना चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को विविध रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकरी को स्वर्य सुने जाने का या विभिन्न कानूनी द्वारा सुनवाई का अवसर देगा और ऐसी सभी प्रापत्तियों को सुनने के पश्चात् और ऐसी अविविक्त जांच, यदि कोई हो, तरों के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उत्तरांक के प्रतिनिधित्व के संबंध में आपत्तियों पर अपनी विफारियों और उसके द्वारा की गई कार्रवाई के अविवेक सहित विभिन्न रिपोर्ट केवल य सरकार को उसके विविचित्र के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह अवधिकारी किसी भूमि में हितवद्ध समझा जाएगा जो प्रतिकर में द्वितीय कावा करने का वृक्षारोपण या इसी ऐसी भूमि में या एवं के प्रधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते।

टिप्पण 3 : केंद्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता को उत्तरांकित करा १८८८.८८०८०१ हिन्दा है।

भनुसूची "क"

गिरिजापुर जलाल

बैंकुठपुर जलाल

जिला नं. १८८८ (नं. १८८८)

राजस्व भूमि

स्लाइक-1

सभी अधिकार

क्र. सं.	ग्राम वान नाम	पटकारी हलका सं.	तदृसील	जिला	भोजहाटरों में	टिप्पणी
1. खोड़	27	बैंकुठपुर	सारगुजा	81. 371	भाग	
2. सोरगा	27	बैंकुठपुर	सरगुजा	16. 268	भाग	

कुल : 97. 639 हेक्टर

वर्ण भूमि

कमाटमेंट सं.	रोज	प्रभाग	धोके हैटरों में	टिप्पणी
1. 472(पी), 473(पी), 473(पी) प्री८	बैंकुठपुर	कोरिया वर प्रभाग	28. 867	
प्रारंभित वर (पी)				
2. ३१५ (पी), ३१३ (पी)	बैंकुठपुर	कोरिया सरगुजा प्रभाग	1. 125	

कुल : 29. 792 हेक्टर

कुल मोग : १२७. 431 हेक्टर (लगभग) या ३१४. 88 एकड़ (लगभग)

ग्राम खोड़ (भाग) में अर्जित किए जाने वाले प्लाट संख्याएँ :

49, 56 (पी), 57 से 90, 01 (पी), 92 से 124, 125/1, 125/1, 125/3, 126, 131/1 (क) (पी), 131/1 (ग) (पी), 132, 133, 380 (ची) 381 (पा), 393 (प.), 463 से 422, 473 (पी), 425/1, 427, 428 (पी), 429 से 433, 434 (पी), 435, 436 (पी), 437/7 (पी), 438/1 (पी) 439/2, 440, 454 से 456, 498 (पी), 499 (पी), 500 (पी), 501 (पी), 502 (पी), 734

ग्राम सोरगा (भाग) में अर्जित किए जाने वाले प्लाट संख्याएँ :

131, 132 (पी), 136 (पी), 137 (पो), 148 (पी), 149 से 165, 166 (पो), 167 से 170, 180 (पी)।

सीमा वर्णन :

त-ग-ह-ड— रेखा खोड ग्राम में “।” विन्तु से आरंभ होती है और खनत अधिकार इकाइ-II के अधीन अंजित शेक्ष की सम्मिलित सीमा के साथ-साथ चलती है—ड-म-स— हुई “।” विन्तु पर चिन्हित है।

त-ड-०

त-व-१-त२— रेखा खनत अधिकार इकाइ-II के अधीन अंजित शेक्ष की सम्मिलित सीमा के साथ-साथ जाती है।

त-३:

त-३-थ-४-च-५-रेखा ग्रामीण वड में खनत कम्पार्टमेंट संख्या 218, 173, 479, से होकर जाती है, उग्ने पश्चात् कम्पार्टमेंट मं. 429, 215, 473, 218 से होकर त-६-थ-७-त८ जाती है और त-९ विन्तु पर मिलती है।

त-९-च-३-४— रेखा खनत अधिकार (इकाइ-I) के अधीन अंजित शेक्ष की सम्मिलित सीमा के साथ-साथ चलती है।

२-४-१

०-१-३-च-५-रेखा खनत अधिकार (इकाइ-I) के अधीन अंजित शेक्ष के साथ-साथ चलती है।

त-४:

क-म-भ-त्र रेखा खोड ग्राम में प्लाट मं. 67, 69, 70, 406 की अंजित-पश्चिमी सीमा के साथ-साथ चलती है और तब प्लाट मं. 131 की पश्चिमी सीमा के साथ-साथ चलकर सोरगा ग्राम में प्रवेश करती है। इसके बाव प्लाट सं. 132, 136, 137 से गुजरती है इसके बाद प्लाट सं. 148 की वरिष्ठी सीमा से जाती है उसके पश्चात् प्लाट सं. 148, 166, 186 से होकर जाती है और “।” विन्तु पर मिलती है।

व-फ-८-त्र रेखा सोरगा ग्राम में प्लाट सं. 186 और प्लाट सं. 167, 170, 169, की पूर्वी सीमा से होकर गुजरती है और तब खोड ग्राम में प्रवेश करती है और प्लाट सं. 430 की उत्तरी सीमा के साथ-साथ जाती है। इसके पश्चात् प्लाट सं. 434, 502, 501 से होकर जाती है, प्लाट सं. 500, 498 की पूर्वी सीमा से होकर जाती है उसके पश्चात् 498, 500, 499, 437/7, 436, 439/1 से होकर गुजरती है इसके पश्चात् प्लाट सं. 439/1, की पश्चिमी सीमा से चलती है और तब प्लाट सं. 428 से आगा है। इसके पश्चात् प्लाट सं. 425/4 की उत्तरी सीमा 422/1, 422/2 की पूर्वी सीमा के साथ-साथ चलती हुई प्लाट मं. 423 से होती हुई प्लाट सं. 454 की पूर्वी सीमा और 456 की पूर्वी सीमा के साथ-साथ चलती हुई भारंगिक विन्तु “।” पर मिलती है।

क्र. सं.	ग्राम का नाम	पटवारी क्लक्का मं.	तहसील	जिला अधिक	ओव फ्रैटरों में	टिप्पणी
1.	सोरगा	27	बैंकुल्पुर	सरगूजा	1. 762	भाग
2.	टेमरी	27	बैंकुल्पुर	सरगूजा	17. 603	भाग
3.	खोड	27	बैंकुल्पुर	सरगूजा	6. 949	भाग
कुल :			28. 314 हैक्टर (लगभग)			
या			65. 02 एकड़ (लगभग)			

ग्राम सोरगा (भाग) में अंजित किए जाने वाले प्लाट सं.

1(भाग), 5(भाग) 7 (भाग), 96(भाग), 97 (भाग)

ग्राम टेमरी (भाग) में अंजित किए जाने वाले प्लाट सं.

33(भाग), 34, 35, 36, 37(भाग), 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 (भाग), 51(भाग), 52, 53, 54(भाग), 55(भाग) 66(भाग), 67(भाग) 68, 69(भाग), 130(भाग)।

ग्राम खोड (भाग) में अंजित किए जाने वाले प्लाट संख्याएँ

23(भाग), 24(भाग), 25(भाग), 26(भाग), 27, 28, 29, 33/1, 33/2, 34, 35, 36(भाग), 44(भाग), 45, 46(भाग), 47 (भाग), 51 (भाग), 750/30 (भाग), 750/23, 750/29(भाग), 750/1(भाग)।

सीमा वर्णन :

ड-ड-१, क-१, रेखा सोरगा ग्राम में “ड-१” विन्तु से आरंभ होती है और खनत अधिकार इकाइ-II के अधीन अंजित की सम्मिलित सीमा के साथ

ग-१, ग-१ साथ चलती है और “ग-१” विन्तु पर चिन्हित है।

ग-१, घ-१, छ-१, रेखा खनत अधिकार इकाइ-II के अधीन अंजित शेक्ष की सम्मिलित सीमा के साथ चलकर “ड-१” विन्तु पर मिलती है।

घ-१, ज-१

ज-१, घ-१, रेखा ग्राम सोरगा में प्लाट सं. 5, 97, 96 से होकर गुजरती है और प्लाट मं. 96, 97, 5 से गुजरती हुई विन्तु “ड-१” पर मिलती है।

ट-१, घ-१, छ-१

प्रत्यनुसूची-व

पिरोडायुर-भाषा

शैक्षिक लेस

जिल्हायरगता (मध्य प्रदेश)

राजस्व भूमि

क्षेत्रफल-

द्वितीय अधिकार

क्र. सं.	ग्राम का नाम	पटवारी हलफा	तहसील	जिला	दोनों हेटरों में	टिकिंगरी
1. खोड़	27	बैंकुड़पुर	सरगांव	सरगांव	23, 122	मात्र
2. सोरामा	27	बैंकुड़पुर	सरगांव	सरगांव	9, 811	मात्र
3. टेमरी	27	बैंकुड़पुर	सरगांव	सरगांव	37, 373	भाग

कुल : 70, 106

कल भूमि

क्र. सं.	कम्पाटेंट मं.	रेज	प्रभाग	दोनों हेटरों में	टिकिंगरी
1. 472 (भाग), 473 (भाग), 474, 475 भीरपी. एफ. (भाग)	बैंकुड़पुर	कोरिया		229, 654	
2. 218(भाग)	सुरजपुर	वक्षिण सरगांव		8, 250	
					कुल : 237, 905 हेक्टर
					कुल योग : 308, 01 हेक्टर (नामा)
					या
					781, 09 एकड़ (लालग)

1. खोड़ (भाग) ग्राम में प्रजित किए जाने काले प्लाट संख्याक

1 से 22, 23(पी), 24(पी), 29/1(पी), 30, 31, 32, 36(पी), 37 से 43, 44(पी), 46(पी), 47(पी), 49(पी), 50, 51(पी) 52 से 55, 56/1, 91(पी), 750/1 (पी), 750/2 से 750/22, 750/24 से 750/38, 750/29(पी), 750/30(पी)।

2. सोरामा ग्राम (भाग) में प्रजित किए जाने वाले प्लाट संख्याक

1(भाग), 2, 3, 4(भाग), 5(भाग), 6(भाग), 7(भाग), 8(भाग)

3. याम टेमरी (भाग) में प्रजित किए जाने काले प्लाट संख्याक

1, 2, 3, 4, 5(पी), 6(पी), 7(पी), 8(पी), 13(पी), 16(पी), 17(पी), 18, 19, 20(पी), 21(पी), 22(पी), 23 से 29, 30(पी), 31, 32, 33(पी), 37(पी), 50(पी), 51(पी), 54(पी) 55, 56, 57-391 58(पी), 62(पी), 63(पी) 64(पी), 65, 66(पी), 67(पी) 69(पी) 70, 71 (पी), 72, 73(पी), 74(पी) 130(पी)

सीमा: छर्ण :

क्र ३१ रेखा विन्दु "क" से आंख होकर सोरामा ग्राम में प्लाट मं. 4, 5 से गुजरती है और "डॉ" विन्दु पर मिलती है।

क्र ३२-का १-रेखा ग्राम सोरामा में प्लाट मं. 5, 6, 1 से होकर गुजरती है और खोड़ ग्राम में प्रवेश करती है और प्लाट मं. 47, 51, 44, 36 प्लाट मं.

क्र ३३-ग १ ३१/१ की इसी सीमा से गुजरती है उसके पश्चात् प्लाट सं. 29/1, 24, 23 750/1, 750/30, 750/29 से गुजरकर विन्दु "ग-१" पर मिलती है।

ग १-घ १-क १-रेखा टेमरी ग्राम में प्लाट नं. 33, 130, 37, 69, 67, 66, 54, 53, 51, 50 से होकर गुजरती है और यह सोरामा ग्राम में प्लाट मं. 7, 5

क्र ३४-ग १-में गुजरती विन्दु "ज" से मिलती है।

ज १-ग १-ग १-रेखा ग्राम सोरामा में प्लाट नं. 5, 3 में गुजरती है और उसके पश्चात् टेमरी ग्राम में प्लाट मं. 58, 62, 64, 63, 73, 74, 71, 37,

ल-13-स-12 30, 21, 22, 20, 13, 20, 16, 8, 7, 6, 5 से गुजरती है और तब आरक्षित वन कम्पार्टमेंट सं. 475, 471 एं दूसरी हुई बिन्दु "त-12" पर मिलती है।

ल-12 त-11-स- रेखा वन कम्पार्टमेंट सं. 474-218 से गुजरती है "त-9" बिन्दु पर मिलती है।
10-स-9

ल-9 त-3-ड-ए-द-1 रेखा वन कम्पार्टमेंट सं. 218, 473, 472 से होकर गुजरती है। उसके पश्चात् आरक्षित वन से खलती हुई "क" बिन्दु दूर मिलती है।

क-1-उ-व-ग-ख-स- रेखा भैरवीत यन्त्र से गुजरती है और उसके पश्चात् खोड़ ग्राम से प्लाट सं. 753 से से गुजरती हुई प्लाट संख्या 93, 92, 90 और प्लाट सं. 91, 56 की पश्चिमी सीमा से चलकर प्लाट सं. 57, 58, 43, 67 की पश्चिमी सीमा से चलकर "क" बिन्दु पर मिलती है।

राजस्थ भूमि

लालक-II

वाग अधिकार

क्र. सं. ग्राम/वन नाम	पटवारी हस्ता सं.	तहसील	जिला	क्षेत्र हेक्टरों में	टिप्पणियाँ
1. खोड़	27	बैकुण्ठपुर	सरगुजा	54. 448	भाग
2. बदसारा	8	सूरजपुर	सरगुजा	22. 636	भाग
योग					72. 084

कन्ध घूमि

क्र. सं. कम्पार्टमेंट सं.	रेज	प्रभाग	क्षेत्र हेक्टरों में	टिप्पणियाँ
1. 472(भाग) 473(भाग) और पी. एफ. बैकुण्ठपुर		कोरिया	151. 486	
2. 215(भाग), 217(भाग), 218(भाग), 219(भाग) 220(भाग)	सूरजपुर	दक्षिण सरगुजा	579. 711	
और पी. एफ.			कुल 731. 197 हेक्टेयर	
कुल योग				808. 281 हेक्टेयर (समाप्त)
या				1997. 26 हेक्टेयर (लगभग)

खोड़ ग्राम (भाग) में आरक्षित फिल जाने वाले प्लाट संख्याएँ

127 से 130, 131(भाग), 134 से 138, 139(भाग), 140 से 147, 148/4, 148/5(भाग), 148/6(भाग), 149 से 167, 168 (भाग), 169(भाग), 170 से 172, 173(भाग), 174, 175, 176, 177 (भाग), 178(भाग), 179 (भाग), 189(भाग), 190 (भाग), 191(भाग) 192 से 201, 202(भाग), 203, 204, 205 (भाग), 206, 207, 208(भाग) 209, 219 (भाग), 223(भाग), 245, 246, 247 (भाग), 362(भाग), 363(भाग), 364(भाग), 365(भाग), 367(भाग), 368 से 379, 380(भाग), 381(भाग), 382(भाग), 457(भाग), 458(भाग) 479, 460(भाग), 753 बदसारा ग्राम (भाग) में आरक्षित फिल जाने वाले प्लाट संख्याएँ

1(भाग)

सीमा धर्मन :

ल-ण-ठ-ए- रेखा खोड़ ग्राम में "त" बिन्दु से आरम्भ होती है और प्लाट सं. 375 की पश्चिमी सीमा के साथ-साथ चलकर प्लाट सं. 382-381, 380 में से और प्लाट सं. 379, 371/3, 135 की पश्चिमी सीमा में से जाती है उसके पश्चात् प्लाट सं. 134 की दक्षिणी सीमा से होकर आती है। तत्पाचान् प्लाट सं. 131/1७, 131/1८, 131/1९ में जाती है और प्लाट सं. 127 की विपरीती सीमा ने जाती है। उसके पश्चात् प्लाट सं. 753 में से होकर प्लाट सं. 127, 128 की पश्चिमी सीमा में से जाती है और उसके पश्चात् सी. एफ. में से होकर भार. एफ. कम्पार्टमेंट सं. 472 में से जाती है। तब वह संरक्षित वन में से जाती है और "क" बिन्दु पर मिलती है।

व-य-1-य-3- रेखा संरक्षित वन में से गुजरती है उसके पश्चात् आरक्षित वन कम्पार्टमेंट सं. 472, 473, 218 से होकर जाती है और "व-3" बिन्दु पर मिलती है।

व-3-द-6-व-3- रेखा आरक्षित वन कम्पार्टमेंट सं. 218, 215, 217, 219, 220 में से गुजरती है उसके पश्चात् आरक्षित वन कम्पार्टमेंट सं. 720, पी. एफ., 220, 219 में से चलकर वाक्षिणी दिशा में मुड़ जाती है। उसके पश्चात् प्लाट सं. 1 में से चलकर बदसारा ग्राम में प्रवेश करती है और "व-3" बिन्दु पर मिलती है।

क-3-त-3-न- रेखा प्लाट सं. 1 में से होकर ग्राम बदसारा में से गुजरती है और प्लाट सं. 202, 247-205, 208, 205, 219-205, 223-191, 190, 189, 173, 178, 177, 179, 169, 168, 381, 148/3, 363, 148/5, 149, 362, 364, 356-367, 459, 460, 459, 458-457 में से होकर चलती है और आरम्भिक बिन्दु "त" पर मिलती है।

[सं. 43015/2/89-ए.ल. एस. उत्तर]

बी. री. राय, अवैर सचिव

(Department of Coal)

New Delhi, the 12th June, 1990

S.O. 1761. Whereas by the notification of the Government of India in the Ministry of Energy, Department of Coal S.O. No. 1373 dated the 15th May, 1989, under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), and published in the Gazette of India in part-II, section 3, sub-section (ii) dated the 17th June, 1989 the Central Government gave notice of its intention to prospect for coal in 1272.420 hectares (approximately) or 3144.149 acres (Approximately) of the lands in the locality specified in the Schedule annexed to that notification.

And whereas, the Central Government is satisfied that coal is obtainable in a part of the said land;

Now, therefore, in exercise of the powers conferred by the sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire;

- (a) The lands measuring 153.745 hectares (approximately) or 379.90 acres (approximately) described in Schedule "A" appended here to;
- (b) The rights to mine, quarry, bore, dig and search for win, work and carry away minerals in the lands measuring 1116.291 hectares (approximately) or 2758.35 acres (approximately) described in the Schedule "B" appended hereto;

Note :—The plan bearing No. SECL : BSP : GM/(P/M) : Land : 63 dated the 6th February, 1990 of the area covered by this notification may be inspected in the office of the Collector, Surguja (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the South Eastern Coal fields Limited (Revenue Section), Seepat Road, Bilaspur-495001 (Madhya Pradesh).

Note-2.—Attention is hereby invited to the provisions of section 8 of the aforesaid Act which provide as follows :

OBJECTIONS TO ACQUISITION :

- "8(1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation :—

It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

- (2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either makes a report in respect of the land which has been notified under sub-section (1) of Section 7 or of rights in or over different parcels of such land or of rights in or over such land to the Central Government, containing his recommendations on the objections, together with the records of the proceeding held by him for the decision of that Government.
- (3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act".

Note-3 :—The Coal Controller, 1 Council House Street, Calcutta has been appointed by the Central Government as the competent authority under the Act.

SCHEDULE 'A'

GIRIJAPUR BLOCK

BAIKUNTHPUR AREA

DISTRICT—SURGUJA (MADHYA PRADESH)

REVENUE LAND

BLOCK-I

ALL RIGHTS

Sl. No.	Name of Village	Patwari Halka No.	Tahsil	District	Area in Hectares	Remarks
1.	Khond	27	Baikunthpur	Surguja	81.371	part.
2.	Sorga	27	Baikunthpur	Surguja	16.268	part
Total:—						97 639 Hectares

FOREST LAND

Compartment No.	Range	Division	Area in Ha.	Remarks
1. 472(P), 473(P), ' 479(P) & protected forest (P)	Baikunthpur	Korea Forest Division	28.667	
2. 215, (P), 218(P)	Surajpur	South Surguja Division	1.125	
Total:—				29.792 Hectares
Grand Total :				127.431 Hectares (approximately) OR 314.88 Acres (approximately)

Plot numbers to be acquired in village Khond (Part).

48, 56(P), 57 to 90, 91(P), 92 to 124, 125/1, 125/2, 125/3, 126, 131/1(प) (P), 131/1(छ) (P), 131/1(प) (P)
132, 133, 380(P), 381(P), 382(P), 383 to 422, 423(P), 425/4, 427, 428(P), 429, to 433, 434(P), 435, 436(P)
437/7 (P) 439/1 (P), 439/2, 440, 454 to 456, 498(P), 499(P), 500(P), 501(P), 502(P), 734.

Plot numbers to be acquired in village Sorga (part).

131, 132(P), 136(P), 137(P), 148(P), 149 to 165, 166(P), 167 to 170, 186(P).

Boundary Description :—

P-O-N-M-L-K-J-I-H- G-B.	Line starts from point 'P' in village Khond and passes along the common boundary area acquired under mining rights block-II and meets at point 'F'.
F-F1-F2-F3.	Line passes along the common boundary area acquired under mining rights block-II".
F-3-F4-F5-F6-F7-P9	Line passes in reserve forest through forest compartment numbers 218, 473, 479, 215, 479 then through forest compartment Numbers 479, 215, 473, 218 and meets at 'P9'.
P9-E3-E2-E1	Line passes along the common boundary area acquired under mining rights (Block-I).
E1-E-D-C-B-A.	Line passes along the common boundary area acquired under mining rights (Block-I).
A-Y-X-W	Line passes in village Khond along the south-western boundary of plot numbers 67, 69, 70, 406, then enter in village Sorga along the western boundary of plot number 131 then through plot numbers 132, 136, 137 and southern boundary of plot number 148 then through plot numbers 148, 166, 186 and meets at point 'W'.
W-V-U-T-S-R-Q-P.	Line passes in village Sorga through plot number 186 and eastern boundary of plot numbers 167, 170, 169 then enter in village Khond and passes along the northern boundary of plot number 430 then through plot numbers 434, 502 501, eastern boundary of plot number 500, 498 then through plot numbers 498 500, 499, 437/7 436, 439/1 western boundary of plot number 439/1 then through plot number 428 then northern boundary of 425/4 eastern boundary of plot numbers 422/1, 422/2 through plot number 423 along-eastern boundary of plot number 454 and south eastern boundary of plot number 456 and meets at the starting point 'P'.

SCHEDULE-A (Continued)

REVENUE LAND
BLOCK-II
ALL RIGHTS

Sl. No.	Name of Village	Patwari Halka No.	Tahsil	District	Area in hectares	Remarks
1.	Sorga	27	Baikunthpur	Surguja	1.762	Part.
2.	Temri	27	Baikunthpur	Surguja	17.603	Part.
3.	Khond	27	Baikunthpur	Surguja	6.949	Part.

Total:— 26.314 hectares (approximately)

OR

26.02 acres (approximately)

Plot numbers to be acquired in village Sorga (part).

1(P), 5(P), 7(P), 96(P), 97(P).

Plot numbers to be acquired in village Temri (part).

33(P), 34, 35, 36, 37(P), 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50(P), 51(P), 52, 53, 54(P), 55(P), 66(P), 67(P), 68, 69(P), 130(P).

Plot numbers to be acquired in village Khond (part)

23(P), 24(P), 25(P), 26(P), 27, 28, 29, 33/1, 33/2, 34, 35, 36(P), 44(P), 45, 46(P), 47(P), 51(P), 750/30(P), 750/23, 750/29(P), 750/1(P).

Boundary Description:—

M1-N1-A1-B1-C1. Line starts from point 'M1' in village Sorga and passes along the common boundary area acquired under mining rights (Block-II) and meets at point 'C1'.

C1-D1-E1-F1-H1. Line passes along the common boundary area acquired under mining right (Block-II) and meets at point 'H1'.

H1-I1-J1-K1-L1-M1 Line passes in village Sorga through plot numbers 5, 97, 96 then 96, 97, 5 and meets at the starting point M1'.

SCHEDULE-B
GIRIJAPUR BLOCK
BAIKUNTHPUR AREA
DISTRICT—SURGUJA (MADHYA PRADESH)

Revenue Land
Block—I
Mining Rights

Sl. No.	Name of Village	Patwari Halka No.	Tahsil	District	Area hectares	Remarks
1.	Khond	27	Baikunthpur	Surguja	23.122	part.
2.	Soraga	27	Baikunthpur	Surguja	9.611	part
3.	Temari	27	Baikunthpur	Surguja	37.373	part.

Total:— 70.106

Forest Land

Sl. Compartiment No.	Range	Division	Area in Hectares	Remarks
1. 472(P), 473(P), 474, 475 & Protected Forest (P)	Baikunthpur	Korea	229.654	
2. 218(P)	Surajpur	South Surguja	8.250	
Total:—				237.904 Hectares

Grand Total:— 308.01 Hectares (approximately)
OR 761.09 Acres (approximately)

Plot numbers to be acquired in village Khond (part).

1 to 22, 23(P), 24(P), 29/1(P), 30, 31, 32, 36(P), 37 to 43, 44(P), 46(P), 47(P), 49(P), 50, 51(P), 52 to 55, 56/1, 91(P), 750/1(P), 750/2 to 750/22, 750/24 to 750/28, 750/29(P), 750/30(P).

2. Plot numbers to be acquired in village Sorga (part).

1(P), 2, 3, 4(P), 5(P), 6(P), 7(P), 8(P),

3. Plot numbers to be acquired in village Temari (part).

1, 2, 3, 4, 5(P), 6(P), 7(P), 8(P), 13(P), 16(P), 17, 18, 19, 20(P), 21(P), 22(P), 23 to 29, 30(P), 31, 32 33(P), 37(P), 50(P), 51(P), 54(P), 55, 56, 57—391, 58(P), 62(P), 63(P), 64(P), 65, 66(P), 67(P), 69(P), 70, 71(P) 72, 73(P), 74(P), 130(P).

Boundary Description :

A-M1 Line starts from point 'A' and passes in village Sorga through plot numbers 4, 5 and meets at point 'M1'.

M1-N1-A1-B1-C1 Line passes in village Sorga through plot numbers 5, 6. 1 then enter in village Khond passes through plot numbers 47, 51, 44, 36, northern boundary of plot number 33/1 then through plot numbers 29/1, 24, 23, 750/1, 750/30 750/29 and meets at point 'C1'.

C1-D1-E1-F1-H1 Line passes in village Temari through plot numbers 33, 130, 37, 69, 67, 66, 54, 55, 51, 50 then passes in village Sorga through plot numbers 7, 5 and meets at point 'H1'.

H1-P15-P14-P13-P12 Line passes in village Sorga through plot numbers 5, 8 then enter in village Temari through plot numbers 58, 62, 64, 63, 73, 74, 71, 37, 30, 21, 22, 20, 13 20, 16, 8, 7, 6, 5 then through Reserve Forest Compartiment Numbers 475, 474 and meets at point 'P12'.

P12-P11-P10-P9 Line passes through Forest Compartiment numbers 474, 218 and meets at point 'P9'.

P9-E3-E2-E1 Line passes through reserve forest compartment numbers 218, 473, 472 then through protected forest and meets at point 'E1'.

E1-E-D-C-B-A. Line passes through protected forest then enter in village Khond through plot number 753 western boundary of plot numbers 93, 92, 90, and through plot numbers 91, 56 then along western boundary of plot numbers 57, 58, 48, 67 and meets at the starting point 'A'.

SCHEDULE—B (CONTINUED)

Revenue Land

Block-II

Mining Rights

Sl. No.	Name of Village	Patwari Halka No.	Tahsil	District	Area in Hectares	Remarks
1. Khond		27	Baikunthpur	Surguja	54.448	part
2. Badsara		8	Surajpur	Surguja	22.636	part
Total :						77.084

Forest Land

Sl. No.	Compartment No.	Range No.	Division	Area in Hectares	Remarks
1. 472(P), 473(P) & Protected Forest (P).		Baikunthpur	Korea	151.486	
2. 215(P), 217(P), 218(P), 219(P), 220(P) & Protected Forest (P).		Surajpur	South Surguja	579.711	
Total :					731.197 hectares
Grand Total:—		808.281 hectares (approximately)			
OR		1997.25 acres (approximately)			

Plot number to be acquired in village Khond (part).

127, to 130, 131(P), 134 to 138, 139(P), 140 to 147, 148/4, 148/5(P), 148/6(P), 149 to 167, 168(P), 169(P), 170 to 172, 173(P), 174, 175, 176, 177(P), 178(P), 179(P), 189(P), 190(P), 191(P), 192 to 201, 202(P), 203, 204, 205(P), 206, 207, 208(P), 209, 219(P), 223(P), 245, 246, 247(P), 361(P), 336(P), 364(P), 365(P), 367(P), 368 to 379, 380(P), 381 (P), 382(P), 457(P), 458(P), 479, 460(P), 753.

Plot number to be acquired in village Badsara (part).

1 (P).

Boundary Description :—

P-O-N-M-L-K-J-I-H-
G-F Line starts from point 'P' in village Khond and passes along the western boundary of plot number 375 through plot numbers 3982, 381, 380, western boundary of plot numbers 379 371/2, 135, then southern boundary of plot number 134 then passes through plot numbers 131/1G, 131/1K, 131/1Kh, southern boundary of plot number 127 then western boundary of plot numbers 127, 128 through plot number 753 then through P.F. through R.F. compartment number 472 then through protected forest and meets at point 'F'.

F-F1-F2-F3 Line passes through protected forest then reserve forest compartment numbers 472, 473, 218 and meets point at 'F3'.

F3-P6-P5-P4-P3 Line passes through reserve forest compartment numbers 218, 215, 217, 219, 220 then turns southern direction through reserve forest compartment numbers 220, P.F. 220, 219 then entre in village Badsara through plot number 1 and meets at point 'P3'.

P3-P2P1-P

Line passes in village Badsara through plot number 1 then in village Khond through plot numbers 202, 247, 205, 208, 205, 219, 205, 223, 191, 190, 189, 173, 178, 177, 179, 169, 168, 361, 148/3, 363, 148/5, 139, 362, 364, 356, 367, 459, 460, 459, 458, 457, and meets at the starting point 'P'.

[No. 43015/2/89-LSW]
B.B. RAO, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 5 जून, 1990

क्र. अ. 1762—केन्द्रीय सरकार द्वारा विकित्यक अधिनियम, 1948 (1948 का 16) की घारा 10 को उप पारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करने वाला, भारतीय दस्त नियिका परिषद द्वारा परामर्श करने के बारे उक्त अधिनियम की अनुसूची में निम्नलिखित और अंशोंने करने हैं, अवश्य—

उक्त अनुसूची के वारा—। में क्रम संख्या 32 और उससे संबंधित प्रविधियों के बाब निम्नलिखित क्रम संख्या और प्रविधियाँ लिखी जाएंगी, अर्थात्—

“33 डा.एम.जी.आर. मेडिकल
यूनिवर्सिटी, तमिलनाडु, मद्रास

(i) अन्त शाल्य चिकित्सा स्कॉलर	यो. डा. एम. जी. एम. जी. आर. मेडिकल यूनिवर्सिटी तमिलनाडु, मद्रास ।
(ii) अन्त शाल्य चिकित्सा स्कॉलर— मुख शाल्य चिकित्सा —परिवर्तन विज्ञान	एम. डी. एम. (मुख शाल्य चिकित्सा) डा. एम. जी. आर. मेडिकल यूनिवर्सिटी, तमिलनाडु, मद्रास ।
—प्रॉपरेटिव वस्त चिकित्सा विज्ञान	एम. डी. एम. (प्रॉपरेटिव) डा. एम. जी. आर. मेडिकल यूनि- वर्सिटी, तमिलनाडु, मद्रास ।
	एम. डी. एम. (प्रॉपरेटिव) डा. एम. जी. आर. मेडिकल यूनि- वर्सिटी, तमिलनाडु, मद्रास ।

1

2

3

— दस्त अकलीग विज्ञान

एम. डी. एस. (अकलीग) डा. एम. जी. आर. मेडिकल यूनि-
वर्सिटी, तमिलनाडु, मद्रास ।

24 जितमार, 1987 को भवया उसके बाद प्रशान की गई अर्हताओं को दस्त चिकित्सा अर्हता के रूप में सम्मिला दी जाएगी

[म. की 12017/9/89-प्री एम.एस.)]

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 5th June, 1990

S.O. 1762.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consulting the Dental Council of India, hereby makes the following further amendments in the Schedule to the said Act, namely :—

In Part I of the said Schedule, after serial number 32 and the entries relating thereto, the following serial number and entries shall be inserted, namely :—

“33. Dr. M.G.R. Medical University
Tamil Nadu, Madras

(i) Bachelor of Dental Surgery B.D.S.

Dr. M.G.R. Medical
University,
Tamil Nadu, Madras.

(ii) Msaster of Dental
Surgery

—Oral Surgery

M.D.S. (Oral Surgery)
Dr. M.G.R. Medical
University,
Tamil Nadu, Madras.

—Periodontology	M.D.S. (Perio.) Dr. M.G.R. Medical University, Tamil Nadu, Madras
—Operative Dentistry	M.D.S. (Operative) Dr. M.G.R. Medical University, Tamil Nadu, Madras
—Orthodontia	M.D.S. (Ortho.) Dr. M.G.R. Medical University, Tamil Nadu, Madras

These qualifications shall be recognised dental qualifications when granted on or after the 24th September, 1987.”

नई विली, 13 जून, 1990

का. धा. 1763.—केन्द्रीय संस्कार वन्त चिकित्सक प्रधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रवक्त प्रविष्टियों का प्रयोग करते हुए भारतीय दंत चिकित्सा परिषद् से परामर्श करने के पश्चात् उक्त प्रधिनियम की ग्रन्तिस्थी में निम्नलिखित और संशोधित करती है, अर्थात्—

उक्त ग्रन्तिस्थी के भाग-1 में, अम संख्या 33 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित अम संख्या और प्रविष्टियां अन्तःस्थापित की जाएंगी, अर्थात्—

“34 कर्नाटक विश्वविद्यालय, दन्त शब्द चिकित्सा बी.डी.एस.”
भारताद में दिया

यह घृहीता जब एक मई, 1989 को अवधार उक्ते पश्चात् प्रदान की गई हो तो मान्यताप्राप्त दंत चिकित्सा ग्रन्ति होगी।

[संख्या धी. 12018/2/90—पी एम एस]
प्रार. श्रीनिवासन, अवर सचिव

[No. V-12017/9/89-PMS]

पाद टिप्पणी—

1. ग्रन्तिस्थी के भाग-1, में बाद में निम्नलिखित द्वारा भलोधन किया गया—

1. का. धा. संख्या 1548, दिनांक 3 मई, 1988
2. का. धा. संख्या 2255, दिनांक एक जुलाई, 1988
3. का. धा. संख्या 79, दिनांक 22 दिसम्बर, 1988
4. का. धा. संख्या 2672, दिनांक 26 दिसम्बर, 1989
5. का. धा. संख्या 3138, दिनांक 15 दिसम्बर, 1989
6. का. धा. संख्या 3282, दिनांक 12 दिसम्बर, 1989
7. का. धा. संख्या 668, दिनांक 26 फरवरी, 1990
8. का. धा. संख्या 1502 दिनांक 3 मई, 1990

New Delhi, the 13th June, 1990

S.O. 1763:—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentist Act, 1948 (16 of 1948), the Central Government, after consulting the Dental Council of India, hereby makes the following further amendments in the Schedule to the said Act, namely :—

In Part I of the said Schedule, after serial number 33 and the entries relating thereto, the following serial number and entries shall be inserted, namely :—

“34. Karnataka University, Dharwad. Bachelor of Dental Surgery. B.D.S.”

This qualification shall be a recognised dental qualification when granted on or after 1st May, 1989.

[No. V-12018/2/90-PMS]

R. SRINIVASAN, Under Secy.

Foot Note:—

Part I of the Schedule was subsequently amended vide :—

1. S.O. number 1548 dated the 3rd May, 1988.
2. S.O. number 2255 dated the 1st July, 1988.
3. S.O. number 79 dated the 22nd December, 1988.
4. S.O. number 2672 dated the 26th September, 1989.
5. S.O. number 3138 dated the 15th November, 1989.
6. S.O. number 3282 dated the 12th December, 1989.
7. S.O. number 668 dated the 26th February, 1990.
8. S.O. number 1502 dated the 3rd May, 1990.

नई दिल्ली, 13 जून, 1990

का. आ. 1764.—केन्द्रीय सरकार, भारतीय शायकियान परिषद् प्रधिनियम 1956 (1956 का 102) की धारा 11 की डाकाता (2) द्वारा प्रदत्त शब्दियों का प्रयोग करने हुए, भारतीय शायकियान परिषद् से परामर्श करने के पश्चात्, उक्त अधिनियम की पहली अनुशंसा में निम्नलिखित और संशोधन करती है, अर्थात्—

उक्त अनुशंसा में महर्षि दयानन्द विष्वविद्यालय ग्रीष्मक के नीचे निम्ननिवित प्रविदिया ओडी जाएगी, अर्थात्—

(उक्तिराफ मेंडिसन) एम.डि. (ट्यूबरकुलोमियस एंड रेंगिंरेटरी डिमीसेज) (ट्यूबरकुलोमियस एंड रेंगिंरेटरी डिमीसेज)

(क्षय रोग और इम्यन बीमारिया)

यहां पर्याप्त और यथा रोगों में छिपोमा डी. टी. सी. डी.

[संख्या वी. 11015/4/90—प्राप्ति. ई. (पी.)]

एव. एन. यादव, डेस्क प्रधिकारी

New Delhi, the 13th June, 1990.

S.O. 1764.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government after consulting the Medical Council of India, hereby makes the following, further amendments in the First Schedule to the said Act, namely :—

In the said Schedule, under the heading "Maharishi Dayanand University", the following entries shall be added at the end, namely :—

Doctor of Medicine Tuberculosis M. D. (Tuberculosis and AND
Respector Diseases) Respiratory Diseases)
Respiratory Diseases) Respiratory Diseases)
and Chest Diseases.

[No. V. 11015/4/90-ME (P)]

H. N. YADAV, Desk Officer.

जल-भूतल परिवहन मंत्रालय

(नौवहन पक्ष)

नई दिल्ली, 6 जून, 1990

का. आ. 1765.—नातिक भवित्ति निधि स्कीम, 1966 के पैशाप्राक 3 के उप पैराप्राक (1) के साथ पठित नायिक भवित्ति निधि अधिनियम 1966 (1966 का 4) की धारा 5 द्वारा प्रदत्त शब्दियों का प्रयोग करने हुए केन्द्र सरकार, पैकेडारा, लेखा नियन्त्रक के स्थान पर जल-भूतल परिवहन मंत्रालय का उप विनियोग सलाहकार नियुक्त करती है और भारत सरकार, जल-भूतल परिवहन मंत्रालय (नौवहन पक्ष) का अधिसूचना मंड्या 5757 विनांक 28-12-1985 में निम्ननिवित संशोधन करती है, अर्थात्—

उक्त अधिनियम में क्षय गंधा 2 और उससे संबंधित प्रतिविद्यों के लिए निम्ननिवित प्रतिस्थापित विधा जाएगा, अर्थात्—

2 उप विनियोग सलाहकार नरकार का प्रतिनिवित
जल-भूतल परिवहन मंत्रालय

[फाइल नं. एम. टी-14015/1/90-एम ई]

फॉर्म चन्द्र, अवर निवि

MINISTRY OF SURFACE TRANSPORT

(Shipping Wing)

New Delhi, the 6th June, 1990.

S.O. 1765.—In exercise of the powers conferred by section 5 of the Seamen's Provident Fund Act, 1966 (4 of 1966), read with sub-paragraph (1) of paragraph 3 of the Seamen's Provident Fund Scheme, 1966, the Central Government hereby appoints Deputy Financial Adviser of the Ministry of Surface Transport in place of Controller of Accounts and makes the following amendment in the notification of the Government of India, Ministry of Surface Transport (Shipping Wing) No 5757 dated 28-12-1985, namely :—

In the said notification, for serial number 2 and the entries relating thereto, the following shall be substituted, namely :

"2. Deputy Financial Adviser Ministry of Surface Transport—Government representative.

[File No. ST-14018/1/90-MT]

FAQIR CHAND, Under Secy.

श्रद्धा क्षमालय

नई दिल्ली, 8 मई, 1990

का. आ. 1766.—श्रीयोगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर में केन्द्रीय सरकार, पोस्ट डिप.डॉर्ट जयपुर के प्रधन्यन्तर के सम्बद्ध नियोगिकों और उनके कर्मकारों के बीच अनुबंध में निविट श्रीयोगिक विवाद में श्रीयोगिक अधिकारण, जयपुर के पक्षपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था

MINISTRY OF LABOUR

New Delhi, the 8th May, 1990.

S.O. 1766.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Postal Dep't, Jaipur and their workmen, which was received by the Central Government.

केन्द्रीय श्रीयोगिक व्यायाधिकरण, जयपुर

मतनीय व्यायाधीश श्री प्रताप गिरि यादव, श्री. एच. जे. एम.
केम सं. ग्री. शार्डी. टी. 55/89

मध्य

श्री नाथुमा पुत्र श्री मदारव्य द्वारा रमजान किराना स्टोर परवतसर
जिला नामीर द्वारा श्री. एम. बागडा, चांपोल बाजार, जयपुर

—प्रार्थी अमिक पक्ष

वनाम

रड मास्टर जनरल, राजस्थान, जयपुर
२-मुपरिन्द्रेंद्र, पोस्ट अफिसर, पो. नामीर, जिला नामीर, राजस्थान
शेहर मन्मान धारा 10(1)(च) श्री. वि. अधिनियम, 1947
उपर्युक्त

प्रार्थी अमिक और से—

प्रार्थी नियोजक की ओर से
दिनांक अवार्ड:

श्री पी. एम. बागडा

कोई उपर्युक्त नहीं

2-11-89

प्रवार्द्ध

भारत सरकार के श्रम मंत्रालय के डेस्क प्रधिकारी ने निम्न विवाद उनकी ग्रामा सं. एल. 40012/30/88 ही-2(बी) दिनांक 24-4-89 इस व्यायाधिकरण को बास्ते अधिनियमार्थ मेंतति धारा 10(1)(च) श्रीयोगिक विवाद अधिनियम 1947, जिसे तत्पश्चात् अधिनियम लिखा जाएगा, भी जा है :—

"Whether the action of the management of Postal Dep't, Jaipur is justified in terminating the services of Nath Kha Mail peon w.e.f. 6th February, 1963 without paying him retrenchment compensation

tion when he has completed more than one year of service? If not, to what relief is the workman entitled?"

बाद प्राप्ति निर्देशन हमे इस न्यायाधिकरण में पंजीकृत किया गया और उसमें पक्षकारान को नोटिस जारी किए गए। बाद प्राप्ति मोर्टिम नश्य खां पृथ श्री नदार बल्य जिसे तत्पचात् प्रार्थी श्रमिक नेबा आयोग ने निम्न स्टेटमेंट आफ क्लेम इम न्यायाधिकरण में प्रस्तुत किया है। यह कि प्रार्थी श्रमिक की नियुक्ति अप्रार्थिगण नियोजक के प्रधान वैनिक वेतन पर काम करने के लिए दिनांक 7-1-87 को की गई थी। यह नियुक्ति मेल पिशोन के पद के लिए चयन दिनांक 12-12-87 को किया गया था उसके पश्चात् प्रार्थी श्रमिक का पदस्थापन बालो मरा किया जिसके लिए उसे 3-1-88 को रिलीफ किया गया एवं प्रार्थी का पदस्थापन 14-2-68 को छोटी खाट में काम करने के लिए किया गया तत्पचात् 18-12-68 के विश्व एक भित्त्या शिकायत वर्ज कराई गई जिसके लिए न तो कोई आरोप पत्र दिया गया न ही उगके विश्व जांच की ओर दिनांक 6-8-89 के आदेश द्वारा इन्सेप्टर पोस्ट आफिस डीडवाना में प्रार्थी श्रमिक को सेवा से अलग कर दिया। स्टेटमेंट आफ क्लेम में यह भी व्यक्त किया कि प्रार्थी श्रमिक के विश्व भारतीय डाक अधिनियम की धारा 52 के तहत कार्यवाही करने की रिपोर्ट थाना डीडवाना में वर्ज कराई। जिस पर प्रार्थी श्रमिक के विश्व न्यायिक मजिस्ट्रेट प्रथम डीडवाना के यहां एक फौजदारी प्रकरण सं. 121/74 चला। उस प्रकरण में प्रार्थी श्रमिक को 20-1-83 को आदेश द्वारा बरी कर दिया गया। जब प्रार्थी श्रमिक को फौजदारी न्यायालय ने बरी कर दिया तो तत्पचात् उस आदेश को नकल लेकर नियोजक अप्रार्थिगण के यहां वह इूटी ज्वार्झन करने की गया और वह उसने सूचित किया कि प्रार्थी श्रमिक को फौजदारी न्यायालय ने बरी कर दिया है इसलिए उसको पुनः सेवा में बहाल किया जाए और इूटी पर लिया जाए।

3. आगे यह भी व्यक्त किया कि दिनांक 20-1-83 के निर्णय के साथ अप्रार्थी पोस्ट मास्टर जनरल, जयपुर को उसने अपांल पेश की देकिन 17-12-84 को प्रार्थी श्रमिक भी अपील आरिज कर दी तथा प्रार्थी को अपना पक्ष प्रस्तुत करने का भीका नहीं दिया तत्पचात् प्रार्थी ने 12-10-87 को सहायक श्रम आयुक्त केन्द्रीय जयपुर के यहां अधिनियम की धारा 2(ए) के यहां प्रार्थना पत्र प्रस्तुत किया जिस पर दोनों पक्षों को बहाला गया परन्तु समझौता नहीं हो सका और सहायक श्रम आयुक्त ने अगफल यार्टी प्रतिवेदन भारत सरकार को 11-5-88 को भेजा तत्पचात् जरिए, परिचक्र स. ज. पी. 21/87 दिनांक 24-4-89 विवाद को इस न्यायाधिकरण को वास्ते अधिनियार्थ भेजा।

4. प्रार्थी श्रमिक की ओर से निम्न आधारों पर उसकी सेवा समाप्ति का आदेश निरस्त करने भी और उसे पुनः सेवा में बहाल किए जाने के लिए कारण लिखे। यह कि प्रार्थी श्रमिक को बिना कारण बताए इन्सेप्टर पोस्ट आफिसें डीडवाना ने 6-2-89 से सेवा से अलग कर दिया वह कार्यवाही धारा 25(एफ) अधिनियम की रूप से अवैध है। प्रार्थी श्रमिक में आहिर किया कि उसने 7-1-87 से अप्रार्थी के यहां काम करना प्रारम्भ किया और दिनांक 6-2-69 तक निरन्तर एक कलेण्डर वर्ष 240 दिन से अधिक कार्य किया। प्रप्रार्थी श्रमिक को सेवा में सूक्त करने से पूर्व एक माह का नोटिस नहीं दिया। इस प्रकार धारा 25 एफ का पालन नहीं किया गया। प्रार्थी को सेवा समाप्त करने से पूर्व छटनी का मुद्रायजा नहीं दिया गया। प्रार्थी जब सेवा से हटाया गया तो उस समय प्रार्थी श्रमिक से कनिष्ठ कई व्यक्ति काम पर रखे इस प्रकार पक्षों ने आप पीछे जाए के मिद्दात्त का बालन नहीं किया गया न ही प्रार्थी श्रमिक के विश्व कोई बुरावरण का आरोप पत्र दिया गया और न ही जांच की। इस प्रकार प्रार्थना की कि प्रार्थी को 6-2-69 को सेवा से पूर्ण करने का आदेश दिया उस निरस्त किया जाए। प्रार्थी के सेवाकाल भी निरन्तर माना जाए और अन्य कोई भी मुफीद राहत दिलाई जाए।

5. प्रार्थी नियोजक पर आवजूद नोटिस तापील हो जाने के कोई उपस्थित नहीं आया इस कारण से प्रप्रार्थी नियोजक के विश्व जरिए आज्ञा दिनांक 15-7-89 को इनररना कार्यवाही करने की आज्ञा पासित

की गई। प्रार्थी श्रमिक की ओर से प्रवर्ण डब्ल्यू-1 लगायत डब्ल्यू-10 प्रस्तुत विवाद एवं एक्स्टरफा साध्य में नाथुखां श्रमिक ने स्वयं का शपथपत्र प्रस्तुत किया जिसे इस न्यायाधिकरण द्वारा सत्यापित किया गया।

6. उम न्यायाधिकरण के समक्ष यह विश्वनीय प्रश्न है कि आया प्रार्थी नाथु खां मेवा समाप्ति दिनांक 6-2-69 से पूर्व एक कलेण्डर वर्ष में 240 दिन से अधिक निरन्तर कार्य करने वाला औद्योगिक कर्मकार हो गया था और क्या उसकी सेवा समाप्ति धारा 25(एफ) अधिनियम के उल्लंघन में की गई? इस संबंध में प्रार्थी श्रमिक के शपथ पत्र से जिसका कि कोई प्रतिवाद पक्षावली पर नहीं है यह प्रमाणित होता है कि प्रार्थी श्रमिक नाथु खां की नियुक्ति वेतन भीमी कर्मचारी के रूप में 7-1-67 को की गई उसके पश्चात् उसका चयन बनौर मेल पिशोन के दिनांक 12-12-67 को किया गया जिसकी मम्पुटि प्रदर्श डब्ल्यू 1 से होती है। तत्पचात् उसको पदस्थापन बालोतरा में 3-1-68 को मेल पिशोन के पद पर किया गया यह पदस्थापन लीब बैकेन्सी के विश्व था उसके पश्चात् प्रार्थी श्रमिक का पदस्थापन 14-2-68 को छोटी खाट में किया गया और जिसकी सम्पूर्ण प्रदर्श डब्ल्यू-2 से होती है। तत्पचात् प्रार्थी श्रमिक को इन्सेप्टर पीस्ट आ॒डवाना ने जरिए आज्ञा दिनांक 6-9-69 को सेवा से मृत किया। प्रार्थी श्रमिक की पदस्थापन 16-2-68 को छोटी खाट में की गई डमकी मम्पुटि प्रदर्श डब्ल्यू-8 और जाव भमसौता अधिकारी के समक्ष अप्रार्थी नियोजक की ओर से पेश किया गया है उससे होती है। इस प्रकार प्रार्थी ने जो छोटी खाट में 16-2-68 में कार्य किया उससे पहले बालोतरा में एक माह कार्य किय और उससे भी पूर्व बनौर डैनिक वेतन भीमी श्रमिक के रूप में भी कार्य किया उग पीरियड की गणना करते हुए उसकी सेवा समाप्ति जो 6-2-69 को की गई इस तारीख से एक वर्ष पूर्व में नियुक्त रूप से 240 दिन उसके द्वारा निरंतर कार्य करना प्रमाणित होता है। और इस प्रकार वह मेवा समाप्ति से पूर्व एक कलेण्डर वर्ष में 240 दिन से अधिक निरन्तर कार्य करने वाला औद्योगिक कर्मकार हो गया था इस प्रकार 240 दिन सेवा समाप्ति से पूर्व एक कलेण्डर वर्ष में कार्य कर लेने के बाद जो उसकी सेवा समाप्त दिनांक 6-2-69 को की गई वह उस समय उसके शपथ पूर्वक बयान से यह विनियत होता है कि सेवा समाप्ति के समय उसे न तो एक माह का नोटिस दिया गया न ही छटनी का मुद्रायजा दिया गया और इस प्रकार धारा 25(एफ) औद्योगिक विवाद अधिनियम 1947 का उल्लंघन किया जाना प्रमाणित होता है। प्रार्थी के द्वारा प्रस्तुत किए गए प्रलेखों से यह स्पष्ट है कि प्रार्थी के विश्व धारा 52 भारतीय डाक अधिनियम के तहत चालान पेश किया गया उसमें उसे मुनिक पूर्व न्यायिक भाइस्टेट डीडवाना ने जरिए आज्ञा दिनांक 20-1-86 द्वारा दोपमूक्त कर दिया था इस प्रकार उसके विश्व जो धारा 52 भारतीय डाक अधिनियम का आरोप लगाया था वह प्रमाणित नहीं होगा है। इस न्याय निर्णय के पश्चात् उसे पोस्ट मास्टर जनरल राजस्थान मॉकिल जयपुर के जरिए प्रवर्ध डब्ल्यू-6 अपील की जो आज्ञा प्रवर्ध डब्ल्यू-5 के जरिए 17-12-84 को नियस्त की गई। इस अपील आदेश में भी पेसा कुछ जाहिर नहीं होता है कि अपील अधिकारी पोस्ट मास्टर जनरल राजस्थान मॉकिल जयपुर ने प्रार्थी के केस को गुणावगुण के आधार पर गौर किया हो और न्यायमन्त्र फैसला दिया हो। प्रार्थी के द्वारा पेश किए गए प्रलेख से यह स्पष्ट है कि प्रार्थी श्रमिक ने जरिए प्रवर्ध डब्ल्यू-7 महायक श्रम आयुक्त केन्द्रीय प्रजमेर ने अपना प्रार्थना पत्र रिक्तमीलेशन के लिए प्रस्तुत किया जिसका जाव अप्रार्थी नियोजक की ओर से जरिए प्रदर्श डब्ल्यू-8 द्वारा दिया गया और समझौता अधिकारी ने केलियर रिपोर्ट प्रदर्श डब्ल्यू-9 द्वारा केन्द्रीय सरकार को प्रस्तुत की जहां से यह विवाद श्रम मंत्रालय नहीं दिली से इस न्यायाधिकरण को पेश किया गया। जबकि प्रार्थी श्रमिक की सेवा समाप्ति धारा 25 एफ के उल्लंघन में की गई है इसलिए प्रार्थी पुनः सेवा में बहाल होने योग्य है। अतः इक्स्टरफा अवार्ड प्रार्थी के पक्ष में नियस्त प्रकार किया जाना है :

यह कि डाक विभाग जयपुर के प्रबन्ध नंबर डारा प्रार्थी श्रमिक नाथु खां डाक पिशोन को सेवा समाप्ति दिनांक 6-2-69 को बिना छटनी

मुश्वावना दिए जाने के अनुचित पूर्ण अवधि है। प्रार्थी श्रमिक की सेवा समाप्ति का आदेश प्रदर्श इन्हें 3 नियंत्र किया जाता है, एवं इसके फलस्वरूप आदेश प्रवर्श इन्हें 5 भी नियंत्र किया जाकर प्रार्थी श्रमिक सेवा समाप्ति की तिथि दिनांक 6-2-69 से उनकी पूर्ववत् अपने पूर्ण पद पर व वेतन पर नहाल होने का अधिकारी पाया जाता है। विनांक 6-2-69 से सेवा में बहाल किए जाने की तिथि तक उनकी सेवा नियंत्र मानी जाएगी और इस कृत्य के दौरान जो दैप वेतन भत्तों सहित होगा वह एनियर के रूप में देय होगा। हम दोगने में यदि अत्य कोई लाभ अंजित होए हों वह भी वह पाने का अधिकारी होगा अवार्ड इकतरफा में पारित किया जाता है। अतः अवार्ड की प्रतिलिपि धार्ते प्रकाशनार्थ केन्द्रीय सरकार की अंतर्गत धारा 17(1) अधिनियम द्वारा दीये।

प्रताप सिंह यादव, न्यायाधीश
हरि सिंह, डेस्क अधिकारी

[सं. एल-40012/30/88-डी II (पी) (पीटी)]

नई दिल्ली, 1 जून, 1990

का. अ. 1767.—ओरोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में केन्द्रीय सरकार एम. पी. स्टेट माइनिंग कारोबोरेशन लि., सतना प्रबंधन व के सम्बद्ध नियोजकों और उनके कम्कारों के बीच, अनुबंध में निर्वाचित ओरोगिक विवाद में केन्द्रीय सरकार ओरोगिक अधिकरण, जयपुर के पचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 31-5-90 को प्राप्त हुआ था।

New Delhi, the 1st June, 1990

S.O. 1767.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M. P. State Mining Corporation Ltd., Satna and their workmen, which was received by the Central Government on 31-5-1990.

BEFORE SHRI V. N. SHUKLA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)
CASE NO. CGIT/LC(R)(36)/1988

PARTIES :

Employers in relation to the management of M. P. State Mining Corporation Ltd., Satna and their workmen Shri Ramgopal, Chowkidar represented through the General Secretary, Satna Stone & Lime Workers Union, 79/10, Krishna Nagar, Satna (M.P.)

APPEARANCES :

For Workman/Union : Shri C. S. Tiwari.
For Management : Virendra Singh Bisen, Advocate.

INDUSTRY : Mining. DISTRICT : Satna (M.P.)

AWARD

Dated, May 18th, 1990.

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. 3(7)/86-Con. II/ D. III(B) dated 12-3-1988, for adjudication of the following dispute :—

“Whether the action of the management of M.P. State Mining Corporation Ltd., Satna in imposing the penalty of removal from service on Shri Ramgopal, Chowkidar w.e.f. 27-4-1985 is justified ? If not, to what relief the workman concerned is entitled to ?”

2. In the instant case, the management neither filed a statement of claim despite repeated adjournments granted to them as is evident from the proceedings dated 15-11-1989, but also did not participate in further proceedings and the case proceeded ex parte against them on 18-12-1989.

3. The case of the workman in brief is that he was serving as a Chowkidar with the management. He was at times posted at the Satna Office and sometimes at Bamhore Limestone Mines. He was paid daily wages at the rate of Rs. 12.25 P. On 29-11-1984 when he was on duty as a Chowkidar in the Office, one Shri Sekhla alias Lallu brought one dumper no CPC 8204 at about 10.30 p.m. and left it there. The workman found that the bonut of the dumper was not locked. He made enquiry from Shri Sekhla as to why the bonut is not locked. Shri Sekhla told him that the lock has been left in the garage. He was on duty from 10.00 p.m. to 6.00 a.m. He handed over the charge to one Chakorilal. At that time there was nothing wrong anywhere. At 7.30 a.m. while he was going home Chakorilal came to him and told him that the instruments kept in the bonut of the dumper were not found there. He was accordingly charge-sheeted and held guilty. Thereafter he was dismissed.

4. According to the workman, his order of suspension dated 30-11-1984 was unlawful inasmuch as he was not paid the suspension period allowance. It was said that diesel Pump, two Search Light and the Radiator had been stolen. Despite the fact that the above charge was false, the suspension order was not set aside. The departmental enquiry was not held within three months as required by law. The enquiry was made by an ordinary clerk and the competent officer was not appointed as Enquiry Officer in this case despite his objection. Though the objection in this regard was raised but to no effect. In fact, General Secretary, Satna Stone Mine Workers Union, was appointed by the workman to plead on his behalf in the departmental enquiry, but he was not permitted to do so and as such the enquiry was unlawful. That the dumper driver was directly responsible for the said theft. The enquiry was also not held properly inasmuch as instead of examining prosecution witnesses the workman was first examined. The workman was also not supplied with the copies of witnesses nor the copy of the order. He was also not given show cause notice and hence his termination from service is illegal. He is, therefore, entitled to reinstatement with full back wages.

5. It is a settled principle of law that when the other party has not come before the Court the burden of proof lies heavier on the party making its claim. The workman has proved five documents Ex. W/1 to Ex. W/5, and has examined himself. He has also filed an affidavit of Shri Chandra Shekher Tiwari in support of his case.

6. From the pleadings and evidence it can be stated that it is not in dispute that certain articles as alleged were stolen. The only question is whether they were stolen during the duty hours of the workman concerned.

7. From the pleadings of the workman itself it is apparent that it was his duty to look after the property during the hours of his duty on the alleged date of incident. It is very pertinent to note that as per para 11 of the statement of the workman, when the dumper was brought, the bonut of the dumper was not locked and this fact was brought to the notice of the driver, Shri Sekhla alias Lallu by the workman. While the workman in para 2 of his deposition says that when he had handed over the charge after his duty was over he found that the lock of the bonut was not broken and nothing was stolen at that time. It follows that according to him no theft as alleged took place during his duty hours as Chowkidar.

8. But in view of the inconsistent please of the workman, who firstly states that there was no lock in the bonut when the dumper was brought, as per para 11 of the statement of claim, while in his deposition he subsequently says that when he had handed over the charge the lock in the bonut was not broken, defence of workman becomes unreliable.

9. It clearly follows that when the dumper was brought the bonut was locked but it was subsequently broken and the articles were stolen. Thus irrespective of the fact, whether the departmental enquiry was valid or not it can be safely inferred without any doubt from the evidence before this Court that the alleged theft took place during the duty hours of the workman concerned and as such he was guilty of misconduct and has been rightly & adequately punished by

the management for the misconduct is grave one. I therefore hold and answer the reference as under :—

That the action of the management of M.P. State Mining Corporation Ltd., Satna in imposing the penalty of removal from service on Shri Ramgopal Chowkidar w.e.f. 27/4/1985 is justified. He is not entitled to any relief. No order as to costs. Awarded accordingly.

V. N. SHUKLA, Presiding Officer.
[No. L-3(7)/86-Con. II/D. III (B)]

नई दिल्ली, 4 जून, 1990

का. ग्रा. 1768.—श्रीयोगिक विवाद प्रधानियम, 1947 (1947 का 14) की धारा 17 के अनुसार मे, केंद्रीय सरकार भारत मौद्दे माइन्स लि., के. जी. एफ के प्रबन्धन से संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट श्रीयोगिक विवाद में केंद्रीय सरकार श्रीयोगिक अधिकारण, बग्नार के प्रबन्ध को प्रकाशित करती है, जो केंद्रीय सरकार को 1-6-90 को प्राप्त हुआ था।

New Delhi, the 4th June, 1990

S.O. 1768.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bharat Gold Mines Ltd., K.G.F. and their workmen, which was received by the Central Government on 1-6-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT BANGALORE

Dated 29th May, 1990

PRESENT :

Shri M. B. Vishwanath, B.Sc., LL.B., Presiding Officer.
Central Reference No. 85/89

I PARTY :

Shri Mohanraj C/o B.G.M. Employees' Union Marili-uppam P.O. KGF-563 119.

Vs.

II PARTY :

The Managing Director, Bharat Gold Mines Ltd., Oorgaum P.O. KGF-563 120.

APPEARANCES :

For the I Party—No Representation—In person.

For the II Party—Shri K. J. Shetty, Advocate.

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, the Central Government has been pleased to refer the following dispute for adjudication by this Tribunal.

2. The dispute referred to for adjudication is .

"Whether the dismissal of Sri Mohanraj, Blacksmith, T. No. 128 of Champion Reef Workshop with effect from 20-01-89 by the management of Bharat Gold Mines Limited, KGF is justified. If not, what relief Sri Mohanraj is entitled to?"

3. The allegations against the I party workman are :—

The I party Shri R. Mohanraj was employed as a Blacksmith in the Champion Reef Workshop of B.G.M.L. On 5-9-88 at about 1.50 p.m. the S. D. Watchman Shri Ransingh T. No. 461 was searching Shri Selvaraj T. No. 635, suspecting that Shri Selvaraj had hidden something in his

back portion near the hip. Shri Selvaraj was taken to gate Clerk's room. Shri Dharamraj T. No. 366 SD Watchman on duty came to help the above said Sri Ransingh. Shri Ransingh took Shri Selvaraj inside the gate Clerk's room. The above said Shri Dharamraj was guarding outside after locking the door. At this point of time, the I party Mohanraj went to the gate clerk's room, overpowered watchman Dharamraj and opened the door by breaking the lock. After breaking the lock, the I party Mohanraj went inside the room and assaulted Ransingh who was holding Selvaraj. After assaulting Sri Ransingh, the I party Mohanraj removed a brass ball which was hidden and by Selvaraj and ran out of the room.

4. On the basis of the above allegations, the I party Mohanraj, after domestic enquiry, was dismissed by the I party on 20-1-89.

5. It is obvious that conciliation failed and thereupon the Central Government was pleased to refer the above said dispute for adjudication by this Tribunal.

6. After reference was made by the Hon'ble Central Government, the case was registered and notice were sent to the parties. The notice has been served on the I party. It is clear from the order sheet that he was present before the Tribunal on some occasions.

7. The I party Mohanraj has filed his letter dated 16-2-1990. In this letter he has clearly stated that he does not like to pursue the matter. The I party workman has filed another letter dated 17-2-1990. In this letter, he has stated that the management has agreed to reconsider his case and so he has prayed that he wants to withdraw the dispute.

8. I have referred to the two letters filed by the I party workman. It is abundantly clear that he does not want to pursue the dispute which has been referred to by the Hon'ble Central Government to this Tribunal. In view of this, this Tribunal has no option but to reject the reference. Accordingly an award shall be passed rejecting the reference. Ordered accordingly.

M. B. VISHWANATH, Presiding Officer
[No. L-43012/11/89-IR (Misc.)]

नई दिल्ली, 12 जून, 1990

का. ग्रा. 1769.—श्रीयोगिक विवाद प्रधानियम, 1947 (1947 का 14) की धारा 17 के अनुसार मे, केंद्रीय सरकार पोस्ट बास्टर जगरन, बन्धु सकिन के प्रबन्धन से संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट श्रीयोगिक विवाद में केंद्रीय सरकार श्रीयोगिक अधिकारण, जबलपुर के भवनचपट को प्रकाशित करती है, जो केंद्रीय सरकार को 31-5-90 को प्राप्त हुआ था।

New Delhi, the 12th June, 1990

S.O. 1769.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Post Master General, Bombay Circle and their workmen, which was received by the Central Government on 31-5-90.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(82)/88

PARTIES :

Employers in relation to the management of Superintendent, Post Office, Wardha Division, Wardha (M.S.) and their workman, Shri Satyanarain Rameshwar Pandey, represented through the Working President, All India P.T. Employees Federation, Girattna, 62, Old Subedar Layout Extension, Nagpur-440024 (M.S.)

APPEARANCES :

For workman—None.

For Management—Shri N. S. Sate.

INDUSTRY : P&T. DISTRICT : Wardha (M.S.)
AWARD

Dated : May 18, 1990

This is a reference made by the Central Government Ministry of Labour, vide its Notification No. L-40012/39/87-D.II(B) dated 22nd July, 1988, for adjudication of the following dispute:—

“Whether the action of the Post Master General, Bombay Circle, Maharashtra in not promoting Shri Satyanarain Rameshwar Pandey vide their Office Order No. B. 8-16/2 dated 18-4-84 on the post of Lower Selection Grade, Postal Assistant, with effect from 30-11-83 is justified? If not, to what relief the concerned workman is entitled?”

2. This reference order was received on 1-8-1988 and parties were noticed to file their respective statement of claim. Neither the workman concerned nor anyone on behalf of the Union appeared before this Court on 31-8-88, 11-10-88, 7-11-88, 21-11-88, 27-12-88, 2,2.89, 15.3.89, 12.4.89 and 20-11-89 inspite of notice sent by this Court, nor filed any statement of claim. On 15-3-1989 management sent by post its statement of claim in which it is stated that consequent on the settlement of dispute the applicant Shri Satyanarayan Rameshwar Pandey, has been considered to have been promoted to Lower Selection Grade with effect from 22-8-83 notionally and that the arrears of increased pay and allowances for the period from 29-11-83 to 30-6-87 (i.e. upto date of retirement) amounting to Rs. 2555.10 (Rs. Two thousand five hundred fifty five paise ten only) were drawn and paid to the applicant on 21-3-1988 before the Presiding Officer, 1st Labour Court, Nagpur.

3. There is an application dated 26-11-1988 (received by post on 2-12-88) on record purported to have been sent and signed by Shri A. S. Bhagat, Working President, A.I.P.T.E.F. Nagpur intimating this Court that the reference has been departmentally settled and the workman has been promoted to L.S.G. with all arrears of back wages and consequential benefits vide Postmaster General, Bombay Memo Order No. Stall-A/87/C-28/85, dated 9th February, 1988. As such the case deserved to be treated as withdrawn/closed.

4. In view of the above pleadings of the parties there is no dispute left for adjudication by this Court and the reference order has become infructuous. Award is made accordingly. No order as to costs.

18-5-90.

V. N. SHUKLA, Presiding Officer
[No. L-40012/39/87-D.II(B)]

का. आ. 1770.—ओर्डोरिंग विवाद अधिनियम, 1947 (1947 का 14) की धारा 37 के अनुसार मे, केन्द्रीय सरकार सेन्ट्रल इंस्टीट्यूट ऑफ हार्टिकलचर फार नार्देन लैनस के प्रबन्धनाल से सबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओर्डोरिंग विवाद में केन्द्रीय सरकार ओर्डोरिंग अधिकरण, कानपुर के चंपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-90 को प्राप्त हुआ था।

S.O. 1770.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Institute of Horticulture for Northern Plains and their workmen, which was received by the Central Government on 31-5-90.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 100/89

In the matter of dispute between :

The Director Central Institute of Horticulture for Northern Plains, B-217 Indra Nagar, Lucknow.

AND

Joint Secretary, Krishi Karamchari Sabha, 1-Abdul Aziz Road, Lucknow.

AWARD

1. The Central Government, Ministry of Labour vide its notification no. L-42011/25/87-D.2(B) dated 22-3-88 has referred the following dispute for adjudication to this Tribunal :

Kyay Nideshak Central Institute of Horticulture for Northern Plains, Lucknow ke prabandhtantia ki S/Shri Ram Kumar aur Ashraf Lal ki 29-9-86 se sewawayen samapt karne ki karwahi nayochit hai. Yadi nahi to Sambandhit karamkar kis Anutosh ke Haqdar hai aur kis tareekh se?

2. In the instant case 9-2-90 was fixed for filing of affidavit evidence but on the oral prayer of the authorised representative of the Union the case was adjourned to 16-3-90. From 16-3-90 till 30-4-90 no affidavit evidence was filed by the Union. In fact on 30-4-90 none appeared from the side of the union to press their claim. It seems that neither the workmen nor the Union is interested in prosecuting the case. As such a no claim award is given against the Union/Workmen.

3. Reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-42011/25/87-D.II(B)]

का. आ. 1771.—ओर्डोरिंग विवाद अधिनियम, 1947 (1947 का 14) की धारा 37 के अनुसार मे, केन्द्रीय सरकार सेन्ट्रल इंस्टीट्यूट ऑफ हार्टिकलचर फार नार्देन लैनस के प्रबन्धनाल से सबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओर्डोरिंग विवाद में केन्द्रीय सरकार ओर्डोरिंग अधिकरण, कानपुर के चंपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-90 को प्राप्त हुआ था।

S.O. 1771.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Institute of Horticulture for Northern Plains and their workmen, which was received by the Central Government on 31-5-90.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, PANDU NAGAR, KANPUR.
Industrial Dispute No. 65 of, 1989
In the matter of dispute between :

Joint Secretary, Krishi Karamchari Sangh, 1 Abdul Aziz Lane Lucknow.

AND

The Director, Central Institute of Horticulture, P.O. Ram Sagar Misra Nagar, Lucknow-16.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-42011/9/87-D.2(B) dated 7-3-89, has referred the following dispute for adjudication to this Tribunal—

Whether the Director, Central Institute of Horticulture for Northern Plains, Lucknow was justified in not granting Adhoc Bonus to daily rated workers for the years 1982-83 to 1985-86? If not to what relief the workmen Shri Govind Prasad and 2' others as per list were entitled?

2. In the instant case on 9-2-90, rejoinder was filed by Shri M. Shakeel, the authorised representative for the Union thereupon, the case was fixed for filing of affidavit evidence on behalf of the Union for 16-3-90. From 16-3-90 till 30-4-90 no affidavit evidence was filed on behalf of the Union. Thus it appears that neither the Union nor the workmen are interested in prosecuting their case. As such a no claim award is given against the Union|workmen.

3. Reference is, therefore, answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-42011/9/87-D.II(B)]

का. आ. 1772.—श्रीशोधिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे, लखनऊ के प्रबंधतान्त्र से संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीशोधिक विवाद में केन्द्रीय सरकार श्रीशोधिक प्रधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-90 को प्राप्त हुआ था।

S.O. 1772.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow and their workmen, which was received by the Central Government on 31-5-90.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, PANDU NAGAR, KANPUR.
Industrial Dispute No. 43 of 1980

In the matter of dispute between :

The Divisional Secretary, Uttar Railway Karamchari Union 39-II-J, Multistoreyed Colony Charbagh, Lucknow.

AND

Dy. Chief Mech. Engineer, C & W Workshop, Northern Railway Alambagh, Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-41012/41/89-D.2(B) dated 15-1-90 has referred the following dispute for adjudication to this Tribunal—

Whether the Dy. CME C&W Shop, Northern Rly, Lucknow was justified in not regularising Shri Jagat Narain Mishra against 25 per cent quota for promotion. If not, what relief the workman was entitled to ?

2. In the instant case on 14-3-90, Shri B D Tewari, authorised representative for the Union orally prayed for time to file claim statement on behalf of the Union and the case was fixed on 9-4-90, after acceding the oral prayer of Sh. Tewari. On 9-4-90, Shri D. P. Awasthi for the Union and Shri Ravi Jauhari for the management were present. Shri Awasthi moved an application, in the capacity of Asstt. General Secretary, Uttar Railway Karamchari Union, with the prayer that the case be closed, on the ground that the workman had left Lucknow and also he does not seem to be interested in the case.

3. Thus in view of the application moved by Shri D. P. Awasthi, the case is closed and a no claim award is given against the Union|workman, in the light of the facts stated in the application dt. 9-4-90 of Shri Awasthi.

4. Reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-41012/86/89-D.II(B)]

का. आ. 1773.—श्रीशोधिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे लखनऊ के प्रबंधतान्त्र से संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीशोधिक विवाद में केन्द्रीय सरकार श्रीशोधिक प्रधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-90 को प्राप्त हुआ था।

S.O. 1773.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow and their workmen, which was received by the Central Government on 31-5-90.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 321 of 1989
In the matter of dispute between :

Divisional President, Uttar Railway Lucknow.

AND

Divisional Mechanical Engineer, Northern Railway Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-41012/41/89-D.2(B) dated 13-12-89, has referred the following dispute for adjudication to this Tribunal :—

Whether the Sr. Divisional Mechanical Engineer Northern Railway Lucknow was justified in terminating the services of Shri Dinesh Narain Son of Sarjoo Prasad w.e.f. 7-8-83. If not, what relief the workman was entitled ?

2. In the instant case first date for filing of claim statement was 23-1-90. Since on 23-1-90 the P.O. was on tour as such the case was fixed for 9-2-90 for claim statement. On 9-2-90 Shri B. D. Tewari appeared on behalf of the Union and requested orally for time to file claim statement. The case was adjourned to 16-3-90 and again on 16-3-90 on the oral prayer of Shri Tewari the case was adjourned to 20-4-90. On 20-4-90 till 2.00 p.m. none appeared from the side of the Union|workman nor the Union|workman filed any application or claim statement. If therefore, appears that the Union|workman is not interested in prosecuting his claim/case. Therefore, in the circumstances of the case a no claim award is given against the Union|workman.

3. Reference is answered accordingly against the Union|workman.

ARJAN DEV, Presiding Officer
[No. L-41012/41/89-D.II(B)]

का. आ. 1774.—श्रीशोधिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार रीजनल आरकेटेक्ट (टेलीकाम) के प्रबंधतान्त्र से संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीशोधिक विवाद में केन्द्रीय सरकार श्रीशोधिक प्रधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-90 को प्राप्त हुआ था।

S.O. 1774.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Regional Architect (Telecom) and their workmen, which was received by the Central Government on 31-5-90.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 307 of 1989

In the matter of dispute between
The Regional Architect(P)
Doorsanchar
15 Ashok Marg Lucknow

AND

Member General Council
National Federation of Post & Telegraph Employees
2/3 P & T Coloney Aishbagh Lucknow

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-40012/9/89-D.II(B) dated 5-12-89, has referred the following dispute for adjudication to this Tribunal :

Whether the Regional Architect (Telecom) Lucknow was justified in terminating the services of Sh. Sri Chand, Khalasi w.e.f. 6-4-88 ? If not, to what relief the workman was entitled to ?

2. In the instant case till 20-4-90 no claim statement was filed by the workman despite issue of notices dated 18-12-89 and 2-4-90 fixing cases for 23-1-90 and 20-4-90 respectively. In between 23-1-90 and 20-4-90 dates 9-3-90 and 16-3-90 were also given in the case for filing of the claim statement but on all the date none appeared from the side of the workman of file claim statement.

3. Ultimately on 20-4-90, when none appeared nor moved any application on behalf of the workman it was ordered that a no claim award be sent to the Government for its publication on the ground that it seems that the workman is not interested in prosecuting his case.

4. Thus in view of the facts and circumstances stated above, I give a no claim award against the Union/Federation/Workman.

5. Reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-40012/9/89-D.II(B)]
V. K. SHARMA, Desk Officer

नई दिल्ली, 1 जून, 1990

का. आ. 1775.—श्रीधोगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिंगरेनी कॉल्यूम कम्पनी लि. रामाकृष्णपुर, ऐडिलाबाद जिला, के प्रबंधनतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अन्तर्बंध में निर्दिष्ट श्रीधोगिक विवाद में श्रीधोगिक प्रधिकरण हैदराबाद के पंचपट को प्रकाशित करनी जो केन्द्रीय सरकार को 31 मई, 1990 को प्राप्त हुआ था।

New Delhi, the 1st June, 1990

S.O. 1775.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Singareni Collieries Co. Ltd., Ramakrishnapur (Adilabad Distt.) and their workmen, which was received by the Central Government on 31-5-90.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, HYDERABAD
PRESENT :

Sri. K. Taranadh, B. Com., B.L., Industrial Tribunal.
Dated, 24th May, 1990
Industrial Dispute No. 42 of 1989

BETWEEN :

The Workmen of Singareni Collieries Company Limited,
Ramakrishnapur, Adilabad District (A.P.).

AND

The Management of Singareni Collieries Company
Limited, Ramakrishnapur, Adilabad District.

APPEARANCES :

1. None—for the Workmen.

2. S|Shri K. Srinivasa Murthy, Miss G. Sudha, Mrs.
Mitra Dass and V. Usha Rani, Advocates—for the
Management.

AWARD

Government of India, in the Ministry of Labour, New Delhi, by its Order No. L-22012(19)88-D.IV.B., dated June, 1989, referred to this Industrial Tribunal at Hyderabad, an industrial dispute between the management of S. C. Company Limited, Ramakrishnapur and their Workmen in respect of the matters specified in the Schedule to the reference under clause (d) of sub-section (1) of Section 2A of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) for adjudication with a direction to submit award within a period of 3 months.

The Schedule

“Whether the action of the management of M/s. S.C. Co., Ltd., Ramakrishnapur Area in denying promotion to Sri B. Nambajah as Wagon Shunting Muccadam in CSP-II RKP. is justified ? If not, to what relief the workman concerned is entitled ?”

The reference was registered as Industrial Disputes No. 42 of 1989 in this Tribunal. Notices were issued to the Vice-President, S.C.M.K. Sangh C/o Sri. Ch. Suryanarayana, Off-No. A/D-52, Ramakrishnapur, Adilabad District to file claims Statement on or before 5-7-1989, while serving a copy of it on the Management. On 5-7-1989, the management was represented and the postal acknowledgement from the Workmen was not received, and the dispute was adjourned to 19-7-1989. By 19-7-1989 the postal acknowledgement was received from the workmen, who were set ex-parte, and the dispute was adjourned to 16-8-1989 for counter of the Management. On 16-8-1989, M. P. No. 97/1989 was filed by the workmen to set aside the ex-parte Order dated 19-7-1989 and was allowed and the dispute was adjourned to 13-9-1989 for filing of the Claims Statement. Sri. R. N. Reddy, Advocate, filed Vakalat for the workman on 16-8-1989 and Sri. K. Srinivasa Murthy and other Advocates filed Vakalat for the Management on 24-8-1989. Time was granted to the workmen till 18-10-1989 for filing their claims statement. On 18-10-1989, Sri. R. N. Reddy, Advocate for the workmen, personally reported no instructions. So the workmen were called absent and set ex-parte again. The dispute was adjourned to 15-11-1989 for counter of the Management. From 15-11-1989, the dispute was adjourned to 29-11-1989, 20-12-1989, 10-1-1990, 24-1-1990, 14-2-1990, 6-3-1989, 6-4-1990, 2-5-1990, and 23-5-1990. On 23-5-1990, the management alone was present but no counter was filed by it and the dispute was reserved for Award.

I have carefully perused the docket sheet of this Industrial dispute. It is espoused by the Union of the workmen. The workmen engaged an Advocate on their behalf. He reported no instructions for the workmen. Similarly the management was also represented by Advocates. The Management did not file any counter. In the absence of claims statement, counter and other material papers connected with this dispute, the reference has to be considered on the material available in this Tribunal. There are only the reference Order of the Government of India and notice issued by this Tribunal. Under the circumstances of the case as detailed above, I am of the firm opinion that neither the workmen nor the management is interested in prosecuting this dispute before this Tribunal. Hence the reference is terminated as not prosecuted and pressed.

Dictated to the Steno-typist, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 24th day of May 1990.

INDUSTRIAL TRIBUNAL

Appendix of Evidence

Nil

INDUSTRIAL TRIBUNAL

[No. L-22012(199)/88-D.IV(B)]

नई दिल्ली, 11 जून, 1990

का. आ. 1776.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदर्शन शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार अमंत्रालय में अवर सचिव श्री इन्दर मिह को दिनांक 11 जून, 1990 से 22 जून, 1990 तक उत्प्रवासी संस्थाएँ विली के सभी कार्यों को करने के लिए प्राधिकृत करती है।

[म. ए—22012 (1) 90—उत्प.]

आर. के. गुप्ता, अवर सचिव

New Delhi, the 11th June, 1990

S.O. 1776.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri Inder Singh, Under Secretary, Ministry of Labour, New Delhi to perform all functions of Protector of Emigrants Delhi in the office of Protector of Emigrants, Delhi from 11-6-90 to 22-6-90.

[No. A-22012/1/90-Emig.]
R. K. GUPTA, Under Secy.

नई दिल्ली, 8 जून, 1990

का. आ. 1777.—श्रीगोपिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार सिगरेट कोम्पनी के लि. मन्दामारी मेडिकामार जिला के प्रबंधनतम से मंबूद नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट श्रीगोपिक विवाद में केन्द्रीय सरकार श्रीगोपिक अधिकारण हैदराबाद के वन्नपट को प्रकाशित करती है।

मुकेन्द्रीय सरकार को 4 जून, 1990 प्रातः हुआ था।

New Delhi, the 8th June, 1990

S.O. 17777.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Singareni Collieries Co. Ltd, Mandamari, Adilabad Distt. and their workmen, which was received by the Central Government on 4-6-90.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, HYDERABAD PRESENT :

Sri. K. Taranadh, B. Com., B.I., Industrial Tribunal,
Industrial Dispute No. 66 of 1989

BETWEEN :

The Workmen of Singareni Collieries Company Limited,
Mandamari, Adilabad District. (A.P.).

AND

The Management of M/s. Singareni Collieries Company
Limited, Mandamari, Adilabad District. (A.P.).

APPEARANCES :

None—for the Workman.

Sri. K. Srinivasa Murty, Miss G. Sudha and Usha Rani
and Pavneena Chowdary, Advocates—for the Management.

AWARD

Government of India, in the Ministry of Labour, New Delhi, by its Order No. L-22012(96)89-IR, (C.II) dated

4th September, 1989 referred to this Industrial Tribunal, Hyderabad, an industrial dispute between the Management of M/s. Singareni Collieries Company Limited, Mandamari and their workmen in respect of the matters specified in the Schedule to the reference under clause (d) of sub-Section (1) and sub-section 2A of the Industrial Disputes, 1947 (Act XIV of 1947) for adjudication with a direction to submit the award within a period of 3 months.

THE SCHEDULE

"Whether the action of the Management of M/s. S. C. Co. Ltd., Ramakrishnapur in dismissing Sri. D. Rajalingu, Coalfiller, SMG-I Incline is justified? If not, to what relief the workman concerned is entitled?"

The reference was registered as Industrial Disput. No. 66 of 1989 in this Tribunal. Notices were issued to the General Secretary, S.M.&E. Workers Union (HMS.) P. O. Ramakrishnapur, District Adilabad (A.P.) with a direction to file Claims Statement on or before 20-10-1989, while serving a copy of it on the Management. On 20-10-1989, the management was represented. Workmen called absent. Claims statement was not filed. The dispute was adjourned to 18-11-89 for claims statement. On 18-11-1989, Sri. K. Srinivasa Murty and others filed Vakalat on behalf of the Management in the Office on 6-11-1989. On 18-11-1989 workman called absent and no claims statement filed and the dispute was adjourned to 16-12-1989, 8-1-1990, 6-2-1990 and 20-2-1990. On 20-2-1990, there was no representation for the Workman and no claims statement filed and the dispute was adjourned to 20-3-1990 for filing counter of the management finally. On 20-3-1990, the management did not file any counter and the dispute was adjourned to 3-5-1990 and 26-5-1990. On 26-5-1990 the management filed its counter. Workmen were once again called absent, and the dispute was reserved for Award.

In this industrial dispute the workmen did not file any claims statement but the management filed its Counter. The Management did not adduce any oral or documentary evidence.

I have perused the counter filed by the Management. The Management in its counter alleged that from 20th October, 1989 onwards this matter was coming up for filing claims statement by the petitioner. This Tribunal adjourned the dispute on various dates. The management submitted that it is practically difficult for them to file the counter as it is not aware what are the various contentions that are raised by the petitioner. The management submitted that Sri. D. Rajalingu was appointed as worker trainee on 13-4-79 and posted at Somagundam One Incline. After successful completion of the training for two months, if he is suitable, having upon the available vacancies, posting will be given. The workman during the training period itself put 5 musters and abandoned the training. The workman did not evince any interest even to undergo the stimulated training and the training period itself automatically came to an end so question of terminating Sri. D. Rajalingu does not arise. It submitted that trainee is not an employee or a workmen. For trainees Industrial Disputes Act is not applicable. Worker trainees are taken by the management keeping in view the future planning production and future available vacancies. The management had raised various other contentions in its counter and submitted that when the trainee abandoned the training, management cannot take any step. It is reiterated that he is not covered under the Standing Orders to take any steps, so question of payment full back-wages or reinstatement does not arise. It contend that it is not a case of dismissal. As stated earlier it is a case of abandonment of training by a trainee during the training period. The very wording of the reference is bad in law. The petitioner's workman is not entitled to any relief as prescribed in the reference. It alleged that the reference is a stale one and it is not maintainable under law and for trainee there cannot be a reference and ultimately prayed for the dismissal of the reference on the ground of maintainability itself.

The Order of reference relates to the dismissal of the workman Sri. D. Rajalingu, Coal-filler. If the workman is dis-

missed wrongly by the Management, it is the bounden duty of the workmen to come before this Tribunal and file a detailed claims statement. The Workmen failed to file any claims statement and in its absence the management filed its counter denying the allegations made by the workmen if any, since the workman is not chosen to file any claims statement and not adduced any oral or documentary evidence, this Tribunal is bound to accept the contentions raised by the management in its counter. Had the workman contested the matter this Tribunal could have scrutinised the entire material placed before it and passed an order on merits. In the absence of the workman who had not chosen to appear nor prosecuted this dispute, this Tribunal is of the firm opinion that the workman Sri. D. Rajalingu, Coal-filler, SMG-I Incline is dismissed in a proper way and he is not entitled to any relief. Hence the reference is answered accordingly. An Award is accordingly passed. No cost.

Dictated to the Stenographer, transcribed by him corrected by me, given under my hand and the seal of this Tribunal, this the 26th May, 1990.

INDUSTRIAL TRIBUNAL
[No. L-22012(96)/89-IR(Coal-II)]

APPENDIX OF EVIDENCE
NIL

का. आ. 1778—शौधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्युमरण में केन्द्रीय सरकार श्याम सुन्दर पुर काल्यारी आफ मै. ई. मी. एल के प्रबंधतान से संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट शौधोगिक विवाद में केन्द्रीय सरकार शौधोगिक अधिकारण आमनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4 जून, 1990 को प्राप्त हुआ था।

S.O. 1778.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Shyam Sundarpur Colliery of ECL and their workmen, which was received by the Central Government on 4-6-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL
Reference No. 29/89

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the management of Shyam-sundarpur Colliery of M/s. E.C. Ltd.

AND
Their Workmen

APPEARANCES :

For the Employers—Sri P. K. Das, Advocate.
For the Workmen—Sri Rajdeo Singh, General Secretary of Khan Mazdoor Sangh.

INDUSTRY : Coal. STATE : West Bengal.
Dated, the 28th May, 1990

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. I-22012(7)/89-IR(C-II) dated the 28th June, 1989.

SCHEDULE

"Whether the action of the Management of Shyamsundarpur Colliery of M/s. Eastern Coalfields Ltd., in 1583 GI/90—5

stopping service linked increment of S/Sri Ramdhani Tewar, Loading Clerk, Ramjee Yadav, Bill Clerk, J. C. Upadhyay, Asstt. Store Keeper and S. K. Upadhyay, Typist w.e.f. 1-1-83, is justified? If not, to what relief are the concerned workmen entitled?

2. During hearing of the case to day (28-5-90) a petition is filed by the union for permission to withdraw the dispute on some technical grounds. Principles of Civil Procedure Code are applicable in the proceedings of this Tribunal. Considering the defects pointed out by Sri Rajdeo Singh the representative of the union, I find that it is a fit case where the union may be permitted to withdraw the dispute with the liberty to raise the dispute afresh. The learned lawyer for the management has no objection in this regard.

3. So the union is permitted to withdrawn the dispute with the liberty to raise the dispute afresh if otherwise not barred.

This is my award.

N. K. SAHA, Presiding Officer
[No. L-22012(7)/89-IR(Coal-II)]

का. आ. 1779.—शौधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्युमरण में केन्द्रीय सरकार चिनाकुरी काल्यारी आफ मै. ई. मी. एल के प्रबंधतान से संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट शौधोगिक विवाद में केन्द्रीय सरकार शौधोगिक अधिकारण आमनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-6-90 की प्राप्त हुआ था।

S.O. 1779.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby published the following award of the Central Government Industrial Tribunal Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Chinakuri Colliery of ECL and their workmen, which was received by the Central Government on 5-6-90

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 25/88

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the management of Chinakuri Colliery of M/s. Eastern Coalfields Ltd.

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri R. S. Murthy, Advocate.

For the Workmen—Shri Sakti Mukherjee, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 29th May, 1990

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-24012(179)/87-D-IV(B) dated 16th February, 1988.

SCHEDULE

"Whether the action of the Management of Chinakuri Colliery of M/s. E. C. Ltd., P.O. Sunderchak, District Burdwan in dismissing Sri S. K. Mondal, Resident Audit Clerk from service with immediate effect under their letter No. 985 dated 23rd August, 1986, is justified? If not, to what relief the workman concerned is entitled?

2. The case of the management in brief is that Sri S. K. Mondal (the concerned workman in this case) was Resident Audit Clerk of Chinakuri Colliery under Eastern Coalfields Ltd., from before 1980.

3. Sri Debabrata Mitra, PW-7 of this proceedings has been working as Accounts Officer since 1983 and before that he was Accountant and Asstt. Accounts Officer of Chinakuri Group of Collieries. In 1985 in course of his checking of books and records of Chinakuri No. 3 Pit Colliery he detected that Sri S. K. Mondal, Resident Audit Clerk in collusion with Sri B. N. Ghosh, Sri M. S. Chakravorty and others booked false attendance, leave, O.T. etc. in the combined attendance sheets and other documents for the period from November, 1980 to July, 1985 against the name of one S. Ghosh who was neither an employee nor there was any record of his attendance in Form C & E Registers of the colliery during the said period. Sri S. K. Mondal submitted the combined attendance sheets to data processing centre for preparing wage bills. As a result of fictitious bills a sum of Rs. 81341.58 was billed against the name of said S. Ghosh as wages, C. M. Bonus etc.

4. Then a chargesheet was prepared by the management and the same was served upon Sri S. K. Mondal. The chargesheet reads as follows :

CHARGE SHEET

To : Sri Sunat Kumar Mondal.

Designation : Resident Audit Clerk.

The charge given below has been made against you. You are required to give your written and signed explanation in the space provided below within 48 hours of receipt of this Charge Sheet, failing which action will be taken against you on the charge made. In the event of your explanation proving unsatisfactory the Management will be at liberty to take such action as it thinks suitable.

CHARGE EXPLANATION

You have been working as Resident Audit Clerk at Chinakuri 3 pit Colliery and as an Audit staff your duties and responsibilities are as per Annexure A & B.

But it has been detected during the course of checking of books and records of Chinakuri 3 pit colliery that you in collusion with Sri B. N. Ghosh, Madhu Sudan Chakravorty and some other clerical staff of the colliery booked false attendances, leave, sick etc. into the combined attendance sheets and other documents during the period from November, 1980 to July 1985 against the name of one S. Ghosh who was neither an employee nor there was any record of his attendances in Form C of E Registers of the colliery during the said period and submitted these sheets to Data Processing Centre for preparing wage bills, as a result fictitious bills amounting to Rs. 81341.58 were billed against the name of said S. Ghosh as wages, C. M. Bonus, Bonus (Annual Ex-gratia), Arrear wages of NCWA-III, Arrears of D.A. etc. details of which is enclosed as Annexure 'C'. The aforesaid amount was drawn fraudulently by you by putting fake signature of S. Ghosh on pay bills in connivance with the paying clerks.

That you in collusion with the clerical staff named above and others prepared fake bills on account of transport subsidy, Addl. Transport subsidy, Special incentive & House Rent against the name of said S. Ghosh amounting to Rs. 2749.60 details of which is enclosed as Annexure 'D'. On close investigation it appeared that you drew some bills yourself by signing as S. Ghosh on the bills in connivance with the paying clerks.

That you booked night shift attendance of S. Ghosh yourself in the Register for payment of Addl. Transport Subsidy for 19 days in July & August, 1984, 10 days in September, 1984, 10 days in December, 1984 and 24 days in January & February, 1985 though he did not work in any shift in these months.

That you submitted a statement of Sunday attendance in respect of 501 workers in which name of said S. Ghosh appeared in Serial No. 428 in page No. 15 against whom you

put in 2 days Sunday attendance for the period 1st March, 1984 to 31st May, 1984, 2 days for the period from 1st June, 1984 to 31st August, 1984, 16 days for the period from 1st September, 1984 to 30th November, 1984, 22 days for the period from 1st December, 1984 to 28th February, 1985 and 10 days for the month of March, 1985 to Data Processing Centre for preparation of the supplementary arrear D.A. bills though he did not put any attendance in these months and there was no record of such attendance in Form C & E Registers of the colliery.

That 7 days and 10 days leave with pay was booked against the name of S. Ghosh in the pay sheet in the month of December, 1983 and November, 1984 respectively though question of granting leave does not arise as he is not on company's roll.

That special incentive @ Rs. 12 per month has been paid to all workers irrespective of attendances put in by them as a result a large sum has been paid in excess to the workers during the period from 1st January, to 31st July, 1985.

That you prepared a list of workmen entitled for house rent as per NCWA-III in which you fraudulently booked the name of S. Ghosh, submitted the list under your signature and fraudulently got sanction for payment of house rent from the Competent Authority for a non-employee.

That you collected PR Attendance reporting sheets from the Data Processing Centre after preparation of wage bills regularly and kept these sheets along with other bills in your custody but on requisition by the management you did not produce these documents.

That fictitious unclaimed wage vouchers for a sum of Rs. 5858.11 as shown in Annexure 'E' were prepared and the money was withdrawn and misappropriated. You checked and verified these false bills and got these bills passed for payment fraudulently.

That it is also reported that S. Ghosh S/o. Jaladhar Ghosh against whose name all these false bills were prepared and withdrawn is related to you and you were fully aware that he was not an employee and did not work in the colliery during the period from Nov. 1980 to July 1985.

That false bills amounting to Rs. 89500 (Approx) were prepared during the period from Nov. 1980 to July 1985. You put your signature as token of checking, verification and correctness of these fictitious bills. These false bills were prepared and amount withdrawn by putting fake signature on these bills at your instance as a result the Company suffered a loss of Rs. 89,500 (Approx.).

Your act amounts to misconduct u/s. 17(i)(a), (f) & (i) of the standing orders which reads as follows :—

Section 17(i)(a) : Theft, fraud or dishonesty in connection with employers business or property.

Section 17(i)(f) : Habitual neglect of work.

Section 17(i)(i) : Causing wilful damage to work in progress or to property of the employer.

Sd/-
Manager
25-9-85

Chinakuri Mine No. III

Encl : Annexure A. B. C. D & E

The following instructions are laid down for the Resident Audit Clerks :

Annex-A

1. Attendance

(a) To check whether forms 'C' & 'E' Attendance Registers are properly filled in and that all attendances are recorded in time.

(b) To make physical check of workers employed above ground with Attendance Register.

(c) To check attendance of workers employed below ground with Lamp Cabin records.

2. Piece-Rated Jobs

(a) To see that measurement slips of all piece-rated jobs including wagon loading are submitted to office

daily after authorisation from Managers.

(b) To see that Overmen's Raising Reports are submitted to office regularly after completing all the columns therein.

3. Wages

- (a) To check payrolls for casual wagon loaders with Daily Performances Slips.
- (b) To check payrolls produced by Machine Account Section with Attendance Register figures.
- (c) To check that wages payments as recorded in the Cash Book are the same as per payrolls produced by Machine Accounts Section.
- (d) To check leave and Sick wages with Attendance Register/M.O's reports/leave Authorisation Slips.
- (e) To check that entries in form 'G' & 'H' Registers are maintained upto date.
- (f) To check that all unclaimed wages are deposited within 3 days from the date the payment starts. To Check such deposits with payrolls and unclaimed wages book. To check payments out of unclaimed wages A/c with relevant payment vouchers.

4. Provident Fund

- (a) To reconcile total amount of P.F. deduction as per payrolls and from Trainees' stipend with total amount deposited every month as per form 'P'.
- (b) To check P.F. contributions posted in P.F. cards from payrolls and trainees' stipend vouchers.
- (c) To check annual contribution statements from 'V' with P.F. contribution cards before submission to CMPF Office.
- (d) To reconcile monthly contributions deposited as per 'P' form with annual contribution statement in form 'V'.

5. Bonus—Coal Mines/Profit Sharing :

- (a) To check adjustment for Leave/Sick/Maternity/Disability Days with relevant records.
- (b) To check statistics for C. M. Bonus with payment vouchers/Bonus cards.

6. Daily Report to GM.

- (a) To check labour attendances as stated in daily reports with attendance registers.
- (b) To check raisings figures as stated in such reports with Overmen's Reports.

7. Train fares

- (a) To check payment vouchers with trainfare registers.
- (b) To verify trainfares paid with Bradshaw/Time Table.
- (c) To verify destinations on which trainfares have been paid with home addresses as recorded in form 'B' register.

8. Overtime

To check overtime amounts included in payrolls with overtime Authorisation slips.

9. Suspense Advance Payments

To report details of suspense Advance payments which are outstanding for more than 7 days.

10. Capital Works Control Statement/Revenue Estimate Control Statement Block Movement Statement.

- (a) To check expenditure shown in the Control Statements from ledger.
- (b) To report where expenditure exceeds sanction amount
- (c) To report where time limit for execution of a job expires.
- (d) To check entries in Block Movement Statement from ledger.
- (e) To check whether any new item capitalised as per Block Movement Statement has been authorised by S.A.

(f) To check whether balances of capital accounts as per Trial Balance agree with Block Movement Statement/Capital Works Control Statement.

(g) To check any write off/sale of capital items as shown in Block Movement Statement with supporting documents.

11. Cash Vouchers/Journal/Ledger/Accounts Schedule

- (a) To check all cash vouchers and journal entries with supportings.
- (b) To check entries in cash statement with cash vouchers
- (c) To check castings of cash statement.
- (d) To report where daily balances in cash statement are not struck
- (e) To report where daily cash recording register is not maintained.
- (f) To check postings in the ledger with cash statement and journal.
- (g) To check before submission to this office monthly trial balance and its supporting list with ledger balances.
- (h) To check before submission to this office half yearly/ yearly accounts schedules.

12. Monthly cost sheet

- (a) To check expenditure shown in cost sheet from ledger/liability book.
- (b) To check that correct liability has been recorded in liability book.

13. Stores

- (a) To make physical verification of stores as per programme given by HIA/A from time to time.
- (b) To see that physical verification of stores is carried out by Store Keeper/Stock Verifier as per programme given by DSPS.
- (c) To see that reconciliation between Inventory and Bin Cards balances is done by Store Keeper/Stock Verifier regularly.
- (d) To check entries in bin cards from supporting documents.

14. Lorry Weighbridge

To make check when lorries are weighed (both loaded and empty).

15. Vehicle Log Books

- (a) To check whether there was any unusual detention of vehicles.
- (b) To check whether all trips recorded in log sheets are authorised.

16. Material Control Card

- (a) To check whether control cards are maintained properly in cases of all repairing jobs.
- (b) To check whether consumption of materials as recorded in respective control cards are charged to the same job.
- (c) To report occurrences of wide variations between consumption of material and that estimated.

17. Time Sheets

- (a) To check whether job time sheets are filled in properly everyday.
- (b) To check whether all attendances book in Attendance Register has been accounted for through job time sheets.
- (c) To check Attendance Register with Punching Cards.
- (d) To check if any worker, who is on leave or is sick or has gone to Hospital on any particular day, has been booked in job time sheets.

18. Job Ledger

- (a) To check entries from time Sheets/material consumption statement.
- (b) To check the time booking at various shops against each job.

19. Medical

- (a) To check bed days charged to Collieries/Depts/Outside party with Indoor Patients' Tickets.
- (b) To check issues from Dispensary stock with supporting slip duly authorised by medical officer.

20. General

- (a) The Resident Audit Clerks will be responsible for doing such other checking or investigation as instructed by S. A. or H.I.A. either directly or through Internal Auditor.
- (b) Any other unusual matter or happening or any other activity which is not normal should be reported.
- (c) You have to be very vigilant and keep your eyes and ears open to ensure that all activities are carried out correctly and in accordance with instructions and policy of the Company.

Annexure 'B'

COAL MINES AUTHORITY LTD.
A Govt. of India Enterprise

SAM's Office
Chinakuri Group
Dishergarh P.O.
Burdwan Dist.
31-3-75

Ref. No. CG/Accts/2813
All Resident Audit Clerks
Chinakuri Group of Collieries
Dear Sirs,

Accounts

Please ensure that while scrutinising various bills, T.A./D.A., Leave Travl Concession, Medical, Gratuity and other miscellaneous bills including contractor's and supplier's bills, the same are audited keeping in view the instructions received from the management of C.M.A. Ltd. from time to time since takeover. In case, any bill is passed by the Accounts Officers based on your audit and which is subsequently found to be not in order, the responsibility shall exclusively rest with you. You are, therefore, requested to comply with the provisions of various rules and regulations for your own benefit. In this connection please note that you shall be guided by the instructions received by you from Group Accounts Officer from time to time.

Yours faithfully,
Sd/-
Sub-Area Manager

Copy to Group Accounts Officer, Chinakuri Group
Copy to Area Finance Manager, Borachak House

Sd/-
Sub-Area Manager

In Annexures C & D the details of amounts have been stated.

5. In reply to the above chargesheet dated 25-9-85 Sri S. K. Mondal the concerned workman submitted written reply as explanation on 28-9-85 which reads as follows :

To
The Manager,
Chinakuri No. 3 Pit Colliery.
Sir,

Ref. Charge-sheet No. 1134
dated 25-9-85

With ref. to the above chage-sheet I beg to submit the following explanation:—

1. That I am quite innocent of the alleged misconduct.
2. That I have not committed any misconduct nor contravened any of the provision of 17(1)(a)(f)(v) of the model standing for Coal Mines.

3. That I have been served with the charge-sheet in question motivately and illegally for victimising me when I am the Branch Secretary of Chinakuri Colliery No. 3 Pit unit of West Bengal Khan Mazdoor Sangh a rival trade union of the establishment.

4. That the allegations with regard to false billing and drawing monies in collusion with M. S. Chakraborty and B. N. Ghosh and other clerks.

thereby committing misconduct of the category of theft, fraud, dishonesty, habitual neglect of work and causing damage to Company's property maliciously false and injuries vitally not only me but the affecting prejudiciously the interest of Sri S. Ghosh intending to show with malafide motive as if Sri S. Ghosh is 'Ghosh' person, although it is false on the face of official records of the Company a single instances sufficient for the purpose vide Manager, V.T.C. Sodepur Ret. PRB/3/223 dated 29-7-80 addressed to you which must be in your correspondence file and it contained the name of Sri S. Ghosh along with two other trainees and after completing his training Sri Ghosh joined Chinakuri 3 Pit from 30-7-80.

5. That 'C' and 'E' register does not contained the names of all persons, specially those persons engaged in outside work. But at the end of the month as per some slips their attendances are marked with by Time-keeper or by L.C.I. in this regard I have no function.

6. House Rent entitlement list are prepared by Colliery W.O. Clerk which is endorsed and certified by W.O. As a Audit clerk my function as to whether it tallies in the Pay Sheet or not.

7. Transport Subsidy, Special Incentive and additional Subsidy as per N.C.W.A. III are prepared as per Wages Sheet by General Wages Clerk and not by me. After preparation I am to check them only.

8. As an audit clerk I am simply to put my signature after the Wage Sheets are prepared by I.B.M. section and I have neither got any participation or involvement as alleged in any way nor by any stretch of imagination.

9. That for entry of a name of a particular worker it requires compulsorily the preparation of appendix 'A' duly signed by W.O., Manager, Sr. P.O., Accounts Officer and Agent or Sub-Area Manager otherwise the I.B.M. will refuse to enlist his name in the Pay Sheet Roll. In this regard my involvement is nil. Aforesaid Officers have full knowledge and direct participation in the matter of misappropriation and the like.

10. Form 'G' is maintained by W.O. on the basis of monthly wages sheet and regularly it has been so prepared since 1980/July and it is so made by that section in order to make him qualified for annual leave as Coal Wages Board agreement.

11. L.T.C. and L.L.T.C. are prepared on the basis of records containing names of each and every worker, names of their family members and that record is made by the Personnel Dept. The audit clerk like me has got no hand over the same.

12. That payments from the Pay Counter is given by the Pay Clerk on the presentation of Identity card drawing in each month by concerned worker after putting his signature. Identity card contain the signature of W.O. and the register of such issue of individual identity card is also in his office.

13. Supplementary sheet, (Sunday work) of D.A. from 1983 April to 1985/31st March was omitted by I.B.M. section in respect 501 pc. rated worker of whom Sri S. Ghosh was one and such manshift calculation of each pc. rated worker including Sri S. Ghosh having been made from the Wages sheet not from the attendance sheet and in this regard I have got to direct or first hand participation and hence no liability.

14. Unclaimed vouchers are prepared by dealing Clerk and payments are made by Pay Clerk at Pay Counter duly certified by W.O. Audit Clerk's function is simply to see whether the total amount is correct so made has been incurred in the cash book or not.
15. Muster Roll of the wages sheet have been tallied with the man on Roll (which is prepared by W.O.) and No. of heads payment. In every month it is found that No. of heads payments less than them the man on roll even in categorywise. So question of any 'Ghost' worker's payment does not arise.
16. That as per Annexure 'A' about 61 items of work have got to be performed by one Audit Clerk for 1600 workers (about) and in addition to that as per Annexure 'B' contain more work are got to be performed and hence heaviest load of work is placed upon one shoulder. Besides this Head Clerk is sick for about one year, whose work I am to see as per direction of you, the Manager and on the retirement of 5/6 clerk no new incumbents have been provided for their job which are got to be done by Office clerks including myself and this work load is also put on me forcibly.
17. That I am not at all responsible for any false bills nor for the amount of Rs. 89,500 or for any alleged amount or amounts in any way nor the Company has suffered in any way any loss or loss to the tune of alleged amount of Rs. 89,500 on account of my fault negligence, fraud dishonesty or theft nor I have caused any wilful damage to work in progress or property of the employer Company.
18. That I am not in any way related with to Sri Subrata Ghosh and that is fictitious imputation.
19. In fine I submit most respectfully that my service record is untarnished one but attempts are made to victimise me for my trade union activities at the instance of rival trade unions and some official who are opposed to our union.

I respectfully submit this in view of the above circumstances you will be pleased to drop this disciplinary proceeding.

Thanking you,

Yours faithfully,
Sd/-
S. K. MONDAL, R.A.

Dated 28-9-85.
Chinakuri Colliery
No. 3 Pit.

6. The management was not satisfied with the explanation submitted by Sri Mondal. So Sri Sisir Kumar Chakravorty was appointed as Enquiry Officer to hold a domestic enquiry for the said charges levelled against Sri S. K. Mondal. After serving the notice upon Sri S. K. Mondal Sri Chakravorty held the enquiry giving all opportunities both to the management and the workman. Sri S. K. Mondal, the concerned workman participated in the enquiry. He did not take help of any co-workers. He personally conducted his case. The management's witnesses were examined in presence of the concerned workman and the witnesses were cross-examined by the workman. The workman got himself examined as a witness in support of his case and he also examined two other witnesses including one Subrata Ghosh in support his defence. After considering the evidence adduced by the parties and the documents filed by the parties, the Enquiry Officer found the workman guilty of the charges levelled against him and he submitted his report to the authority. In due course Sri S. K. Mondal was dismissed from service w.e.f. 23-8-86.

7. After such dismissal a dispute was raised on behalf of the dismissed workman and the attempt of conciliation failed. The matter was sent to the Ministry of Labour, Govt. of India and the Ministry of Labour has referred the dispute to this Tribunal for adjudication on the point as described in the schedule of Reference.

8. In a case like the present one, firstly we are to see whether the domestic enquiry was held fairly and properly, if not this Court is to hold a fresh enquiry. Secondly if it is found that the domestic enquiry was fairly and properly

held then after re-appraisal of the evidence already adduced by the parties, this Tribunal shall come to a finding whether the evidence adduced by the parties are sufficient to come to such a finding. If this Tribunal finds that the evidence is not sufficient to hold the workman guilty, then this Tribunal shall set aside the findings of the domestic enquiry and shall pass appropriate order within the ambit of Section 11-A of the Industrial Disputes Act, 1947. Lastly if the Tribunal finds that the finding of the domestic enquiry is correct, then it shall look into the question of quantum of punishment.

9. As regards the first point we find from the materials on record that the chargesheet was submitted against Sri S. K. Mondal on 25-9-85 (Ext. M-1). Sri Mondal submitted his reply against the chargesheet on 28-9-85 (Ext. M-2). Sri Sisir Kumar Chakravorty was duly appointed as Enquiry Officer by the General Manager by his order dated 15-10-85 (Ext. M-3). Notices of enquiry were duly served upon Sri S. K. Mondal (Exts. M-4 & M-5). Then the Enquiry Officer held the enquiry. The entire proceedings of the domestic enquiry has been marked as Ext. M-6. After completion of enquiry the Enquiry Officer submitted his report (Ext. M-7).

10. In the case reported in S.C.L.J. Vol. 2 page 1466 (Sur Enamel & Stamping Works Ltd. Vs. the Workman) the tests have been laid down to come to a finding whether the domestic enquiry was fairly and properly held. In the instant case we find that the workman was given all possible opportunities to defend himself and to present his case. In the written statement the workman has not specifically stated that the domestic enquiry was not fairly and properly held. Sri S. K. Mukherjee, the learned Advocate for the workman with his usual fairness submitted before me that there was nothing to challenge in the procedure adopted by the Enquiry Officer in holding the domestic enquiry. The concerned workman has practically challenged the result of the domestic enquiry. This matter was heard as preliminary point and this Tribunal has held that the domestic enquiry was fairly and properly held and there was no violation of natural justice (vide order dated 13-3-90).

11. Now we have to consider the second point. Before entering into the merits of the case, we are to look to the jurisdiction of this Court as laid down in Section 11-A of the Industrial Disputes Act, 1947 which reads as follows:

"11-A. Powers of Labour Courts, Tribunals and National Tribunals to give appropriate relief in case of discharge or dismissal of workmen—Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require:

Provided that in any proceeding under this section the Labour Court, Tribunal or National Tribunal, as the case may be shall rely only on the materials on record and shall not take any fresh evidence in relation to the matter."

There is no scope for taking any fresh evidence in this reference case and this Tribunal is to re-appraise the evidence already adduced by the parties in the domestic Tribunal.

12. During the domestic enquiry the page marking of the papers of the proceedings has been done from the reverse side. In this case the prosecution has examined in all 9 witnesses. One Sri P. N. Das, Dy. Finance Manager of Chinakuri Colliery has been examined as a formal witness but without mentioning any witness number (page 25 to 29). Sri R. K. Banerjee, PW-1 is the Asstt Manager and the Safety Officer of Chinakuri Colliery for last 13 years (page 31 to 26). One Sri N. N. Mondal has been examined as PW-2. He was Time Keeper of Chinakuri 3 Pit colliery from 1968 (page 48 to 34). Sri Mohan Lal Halwai has been examined as PW-3.

He has been working as Lamp Cabin Incharge for last 26 years (page 53 to 49). Sri Chandi Charan Dasgupta has been examined as PW-4. He has been working as Despatch Superintendent for last 6 to 7 years (page 59 to 54). Sri Ashoke Kr. Mukherjee PW-5 has been working as Clerk of Chinakuri Colliery since 1975 (page 66 to 60). Sri Ashoke Kumar Chatterjee PW-6 has been working in Chinakuri Pit No. 3 Colliery since 1972 as Clerk (page 74 to 67). Sri Debabrata Mitra PW-7 is the Accounts Officer (page 110 to 75). Sri I. D. Singh PW-8 was the Personnel Officer and Sr. Personnel Officer of Chinakuri Colliery at the relevant period (page 132 to 109).

13. In this case the concerned workman has examined himself as a witness (page 171 to 141). The workman has also examined one S. Ghosh alias Subrata Ghosh as DW-1 (page 140 to 134). Janki Gosai is DW-2. He has been working as Boiler Fireman in Chinakuri 3 Pit Colliery for last 15 to 16 years (page 143 to 141).

14. The Lawyer for the management has urged before me that in the domestic enquiry the same degree of proof is not required as in a criminal trial. He has urged before me that in a domestic enquiry the guilt need not be proved to the hilt. He has cited before me certain cases wherein (vide page 2 of the written argument) the following principle has been laid down :

"The Tribunal has to see that there is preponderance of evidence for justifying the guilt of the employee and it cannot insist upon conclusive proof. The degree of proof required for finding an employee guilty of misconduct is far less than that required for convicting a person in a criminal trial. In a Criminal trial the guilt has to be proved to the hilt which is not the case in a domestic enquiry."

By pointing out the above principle he has urged before me that this Court shall have to re-appraise the evidence keeping that principle in mind.

15. The gist of the allegation is that the name of one S. Ghosh was falsely shown in the payment side register of the colliery though there was no such employee. In the charge it has been clearly stated that Sri. S. K. Mondal in collusion with Sri B. N. Ghosh, Sri M. S. Chakravorty and some other clerical staff of the colliery booked false attendance, leave, sick etc. into the combined attendance sheets and other documents from the period from November, 1980 to July '85 against the name of S. Ghosh. But no action was taken against Sri B. N. Ghosh, Sri M. S. Chakravorty and other clerical staff of the colliery in the present enquiry for the reasons best known to the authority. So we are unable to find out what part was actually played by those persons. There is direct charge against Sri S. K. Mondal that a sum of Rs. 81341.58 was billed against the name of S. Ghosh for different counts and Sri S. K. Mondal himself had drawn the amount. The relevant portion of the charge reads as follows :—

"The aforesaid amount was drawn fraudulently by you by putting fake signature of S. Ghosh on pay bills in connivance with the Pay Clerks".

The learned Lawyer for the management has urged before me that according to Rule 48 of the Mines Rules the name of every employee should be in Form 'B' register. The name of S. Ghosh is not in that register. Attendance of workers underground is maintained in Form 'C' register. But the name of S. Ghosh is not there. Attendance of workers who work in the open cast mine is maintained in Form 'D' register. The name of S. Ghosh is not there. Attendance of workers working above-ground is maintained in Form 'E' register. The name of S. Ghosh is not there.

After appointment every worker is sent for vocational training to the Vocational Training Centre. In case of vocational training a certificate is issued by the Training Officer of the Vocational Training Institute either in Form 'A' or 'B' prescribed under Rule 28(1) of the Mines Vocational Training Rules. The certificate bears a photograph of the trainee. Without such certificate no one is allowed to work in the mine. It must be in possession of the worker. But in the instant case no such certificate was

produced by Subrata Ghosh who was examined as DW-1. The Lawyer for the management has urged before me that the statement made by Sri. S. K. Mondal and Subrata Ghosh as DW-1 are enough to prove the charges levelled against Sri S. K. Mondal read with the statement made by the prosecution witnesses. The material prosecution witnesses have stated that they had never seen S. Ghosh alias Subrata Ghosh working in the colliery either in the surface or in the underground.

16. Admittedly the structure of the Accounts Section of Chinakuri 3 Pit Colliery is headed by Dy. Finance Manager (a Chartered Accountant). There is an Accounts Officer who is also a Chartered Accountant under the Finance Manager. DW-7 was the Accounts Officer. Sri S. K. Mondal the concerned workman was the Resident Audit Clerk under the Accounts Officer. There were about 9 to 10 Accounts Clerks in the Accounts Department who worked under Sri S. K. Mondal. Those clerks used to prepare different types of bills—wage Bills, L.T.C., H.R.A., Bonus, Leave salary etc.

17. According to the system every bill or voucher is to be signed by Bill Clerk. Then it is sent to the Officer concerned of the department for his signature. Then it goes to Manager's table for his signature. Thereafter it is to be checked by the Resident Audit Clerk and then by the Accounts Officer and then by the Finance Manager. Ultimately the bill goes to the Agent for his counter signature. After sanction by the Agent the bill comes to Cash Department. Money rests with the Cashier who makes payment through the Pay Clerks or deputed clerks.

18. Payment is made to each worker on production of pay book at the counter. Pay book is the document given by Office which contains signature of Personnel Officer or Manager. Without production of pay book no payment is made. Question of identification of the worker arises only in case of first payment. In that case the worker is to be identified either by Personnel Officer or Welfare Officer or Audit Clerk.

19. It has been urged before me that in fact the above procedure was not followed in case of S. Ghosh and Sri S. K. Mondal had drawn the amounts fraudulently by putting fake signature on the bills in connivance with the Pay Clerks. It is also admitted that in every year the accounts and stores were audited by a Special Audit Party. But nothing was detected by the said Audit Party.

20. In such context it is very difficult to swallow that the Audit Clerk for long five years had drawn the amounts of all the bills prepared in the name of Sri S. Ghosh alias Subrata Ghosh putting the signature of S. Ghosh.

In this connection it may be mentioned that the signature on the pay bills said to have been made by Sri S. K. Mondal were also not examined by any expert though Sri S. K. Mondal had denied all the charges. The LD. Lawyer for the management has cited before me the cases reported in 1957 S. C. 381 and 1959 Cr. L.J. 383. In his written argument he has urged before me :—

"It is not safe to treat expert evidence as to handwriting as sufficient basis for conviction. But such expert evidence may be relied upon along with other items of evidence as to the disputed documents. The value of expert evidence depends on cogency of the reasons behind it. In the Case of Sri Sanat Kumar Mondal, the workman concerned in the present case, it is sufficient if the Management shows that even by naked eye it could be seen and accepted that the signatures on wage bills are not of Sri. S. Ghosh/Subrata Ghosh. The signatures of Sri S. Ghosh/Subrata Ghosh appear at pages 134 to 140 of domestic enquiry proceedings (Ext. M-6). Sri Subrata Ghosh signed in CAPITAL LETTERS AS SUBRATA GHOSH at pages 140 134 while on other pages viz., 135, 136, 137, 138 and 139 he put signature in mixed-running letters. This in itself shows he is concealing his signatures. It can be most glaringly and conspicuously observed noticed that none of the documents relating to pay-

ments produced by the Management contain any signature resembling the above signatures put by Sri Subrata Ghosh. This means that Sri Subrata Ghosh did not receive any payments reflected in the documents filed by the Management. Further, each signature acknowledging payment in each document relating to payment is different. These facts are sufficient to establish the conclusion that none of these documents were signed by S. Ghosh and the payment was not received by him. When the position of signatures is as indicated above, no examination of the signatures by Hand-writing expert is necessary.

Considering the nature of the present case and the facts and circumstances, I am unable to look eye to eye with the Lawyer for the management. It is well settled that the Court is the expert of all experts, but in a case like, the present one the assistance of the hand-writing expert is essential to come to a conclusion that Sri S. K. Mondal had drawn the amounts of all the bills prepared in the name of S. Ghosh for long five years putting signature as S. Ghosh which sounds absurd.

21. With such background we are to consider the case of Sri S. K. Mondal. According to the management S. Ghosh is a ghost person. In paragraph 4 of the reply Ext. M-2 Sri S. K. Mondal has specifically stated that S. Ghosh was not a ghost person. In support of his contention he has referred a letter of Manager, Vocational Training Centre, Sodepur Ref. PRB/3/223 dated 29-7-80 addressed to the Manager, Chinakuri Colliery. It has been specifically stated in this reply that this letter must be with the Manager of Chinakuri Colliery and it contained the name of S. Ghosh along with two other trainees. According to the concerned workman this S. Ghosh joined Chinakuri 3 Pit colliery from 30-7-80 after completing his training. This plea was taken by the concerned workman at the earliest stage. Sri I.D. Singh PW-8 was the Senior Personnel Officer of Chinakuri Colliery. He was cross-examine alleging that S. Ghosh along with Tamal Mondal and Subhas Prasad was sent to Vocational Training Centre on 15-7-80 after their appointment. The relevant portion of his cross-examination reads as follows :—

"Q. Did you send S|Shri Tamal Mondal, Subhas Prasad & Subrata Ghosh to V.T.C. on 15-7-1980 ?

Ans. No.

Q. Can you say who send these 3 persons ?

Ans. As I know only 2 persons Sri Tamal Mondal & Subhas Prasad were sent to V.T.C. after their appointment.

O. Can you produce the letter sending them to V.T.C. ?

Ans. That may be in the V.T.C.

Q. Will you produce copy of the letter sent by Manager, V.T.C. Sodepur No. PRB/3/223 dated 29-7-80 to Manager Chinakuri 3 pit colliery ?

Ans I cannot.

Q. Do you know that on 30-7-80 in 1st shift all the 3 trained workers started their duties in underground ?

Ans. No."

In cross-examination Sri S. K. Mondal was asked about this letter. The relevant portion reads as follows :

Q. You have mentioned a letter No. RPB/3/223 dated 29-7-1980 in reply to your charge sheet alleged to be addressed to Manager, Chinakuri 3 pit colliery Manager Sodepur V.T.C. Can you produce that letter as no such letter is there in the file of this colliery.

Ans. I have produced a copy of the letter.

Q. Is the said letter signed by any one which you have produced ?

Ans. It is not signed by anybody as it is a true copy.

22. We find that an unsigned copy of that letter was produced by the workman before the Enquiry Officer. The learned Lawyer for the management has urged before me that in a domestic enquiry the enquiries are held not by Lawyers, so the rules of technical nature are not followed

there. In support of his contention he has cited before me the case reported in 1969 Vol. II—L.L.J.799. This principle cuts both ways. In the domestic Tribunal a worker is also not allowed to take the help of any Lawyer and the worker does not know the procedure of law. In the instant case the worker called for the original letter from the management but not from the Vocational Training Centre and he produced a copy of the same. The Management did not produce the original letter and denied the existence of such letter (page 15 item No. 8 of report).

23. During the hearing of this Reference Case the workman has filed one letter addressed to him by Manager of Vocational Training Centre dated 3-4-90. That letter reads as follows :—

"Eastern Coalfields Ltd.

(A Subsidiary of Coal India Ltd.)

Sodepur V. T. Centre,

P. O. Sundarchak,

Dist. Burdwan.

Dated 6-4-1990

Ref. No. SKM/3/125

To,

Sri S. K. Mondal,
The Secretary,
W.B.K.M.S. (UTUC).
Dear Sir,

Re : Copy of the letter No. RRB/3/223 dated 29-7-80.

With reference to your letter dated nil, I am enclosing herewith a copy of letter No. RRB/3/223 dated 29-7-80 issued by the Manager Sodepur V. T. Centre as asked for.

Yours faithfully

Sd/- Manager

3-4-90

Seal"

Enclo : As above.

The enclosure of the above letter is the attested copy of letter No. PRB/3/223 dated 29-7-80 written by Sri R. R. Bhattacharjee the Manager of Vocational Training Centre addressing the Manager of Chinakuri 3 Pit. The said letter reads as follows :—

Eastern Coalfields Ltd.,

(A Subsidiary of Coal India Ltd)

To : The Manager, Chinakuri 3 Pit. From : Manager, VTC
Sodepur

Your ref : Our ref : RRB/3/223 : Dated 29-7-80

Re : Basic Training

The following workers whom you sent here for Basic Training for underground work have completed 13 days training as specified in Second and Third Schedules as per Rule 6(2)(a) of Mines Vocational Training Rules 1966. They are now being sent to you for practical training on actual operations for a period of not less than 12 working days as per Rule 6(2)(b). This training should be given under the personal supervision of Trainers as required by Rule 22 of Mines Vocational Training Rules 1966.

Sl. No.	Name	Period of training
1.	Sri Tamal Chandra Mondal	From 15-7-80 to 29-7-80
2.	.. Subhas Prasad	.. -do -do-
3.	.. Subrata Ghose	.. -do -do-

Sd/- R.R. BHATTACHARYA
Manager

SBG :

Copy attested

Sd/- Illegible

Manager

3-4-90

Seal.

From the said attested copy we find that one Subrata Ghosh was sent by the Manager, Chinakuri Pit No. 3 Colliery to the Vocational Training Centre for training with two other persons named in the letter. S. Ghosh took the training there from 15-7-80 to 29-7-80. The learned Lawyer for the management has urged before me that this Tribunal should ignore that letter as it was not produced earlier. It is settled position of law that this Tribunal has no jurisdiction to take fresh evidence in the present Reference case and it is only to consider the evidence on record.

24. Considering the facts and circumstances of the instant case, I find that this letter was written by the Manager, Vocational Training Centre which was already on the record and the same was not taken into consideration. I find that there is no bar to read this letter as a piece of evidence in this proceeding as the copy of the letter was already produced in the domestic enquiry. It is admitted that a man is sent to Vocational Training Centre only after appointment and after such training a workman is permitted to work.

25. From the above letter it is proved that one man named Subrata Ghosh was sent for vocational training by the Manager, Chinakuri No. 3 Pit Colliery and he took training from 15-7-80 to 29-7-80. According to the defence Subrata Ghosh joined his duties in the first shift on 30-7-80. From the report of the Enquiry Officer we find that several documents were called for by the concerned workman during domestic enquiry but the management did not produce the same (page 14 & 15 of the report). We find from Item No. 8 that the letter to Vocational Training Centre was called for but the management's representative stated that there is no such letter in the colliery. We also find that the attendance register of July 1980 was also not produced by the management though called for (Item No. 10 in page 15 of the report). The non-production of the documents speaks a volume against the management and adverse presumption is to be drawn against the management for the same. It appears from Item No. 10 that the records were not produced on the plea that the same had no relevancy with the chargesheet. It appears that the Officers of the management were the authority to consider which documents were relevant and which were not.

26. Be that as it may, we find from the statement of PW-3 Mohan Lal (page 53) and PW-4 Chandi Charan Dasgupta (page 59) that Subrata Ghosh was known to them. Subrata Ghosh has been examined as DW-1 in this case. He has stated that he worked as a piece-rated mazdoor in Chinakuri No. 3 Pit Colliery from 15-7-80. He claims that his man number was 20748. It may be mentioned that every worker of the Colliery has such a number. According to him he was sent to Vocational Training Centre, Sodepur for taking necessary training and he took training there upto 29-7-80 along with Tamal Mondal and Subhas Prasad from 15-7-80. It is admitted by the prosecution that Tamal Mondal and Subhas Prasad were sent to Vocational Training Centre for training from 15-7-80 to 29-7-80, but the management did not produce the letter to show that the name of Subrata Ghosh was not there. Subrata Ghosh claims that he worked underground for 3 to 4 months. Then he worked at depot. According to him he worked in the said colliery from 30-7-80 to 31-7-85. He went on leave for 3 months with effect from 1-8-85 and thereafter he was not allowed to join his duty.

27. Subrata Ghosh has claimed that he maintained the records of Truck Weighment for 5 to 6 months. The learned Enquiry Officer in page 19 of his report has observed—

"As he prepared the Form E register Loading Clerk did not sign on this register."

The learned Lawyer for the management has urged before me that as Subrata Ghosh was a man of S. K. Mondal it may be that some registers said to be maintained by Subrata Ghosh were prepared and the same were kept in the Office. So the fact remains that atleast some registers were written by Subrata Ghosh and they are in the office.

28. Subrata Ghosh has stated—

"I have drawn all sorts of payments by producing my pay book at Pay Counter and collected the amounts from Pay Counter whenever any payment was made."

29. From the materials on record we find that it was not the duty of Audit Clerk to book attendance and to prepare bills and vouchers. It was not his duty to make payment though the charges are so.

30. According to the prosecution the misconducts of Sri S. K. Mondal constituted offence of—

- (a) theft, fraud or dishonesty in connection with employer's business or property,
- (b) habitual neglect of work,
- (c) wilful damages to work in progress or to property of the employer.

After re-appraisal of the evidence and materials on record, I find that Subrata Ghosh got some sort of appointment which may be irregular and he was sent for vocational training. Subrata Ghosh himself has claimed that he himself had drawn the amounts of all the bills personally though there are some inconsistency in his statement as he had admitted that during the relevant period he was Student in Calcutta.

In view of the letter written by the Manager of Vocational Training Centre produced by Sri S. K. Mondal and the statement made by Subrata Ghosh that he had drawn the payments from the Pay Counter, it cannot be said that Sri S. K. Mondal had committed theft, fraud or dishonesty in connection with employer's business or property and it also cannot be said that he made wilful damage to work in progress or to property of the employer.

31. Next comes the question of habitual neglect of work. From the structure of the Accounts Department and the system of work I find that it was the joint liability of the Officers and clerks to see that the work is done properly. In the instant case we find that a single man has been picked up by the management as a scape goat without proceeding against others though the names of some persons are in the chargesheet for the reasons best known to the prosecution. Sri S. K. Mondal has urged that due to his Trade Union activity he has been made a scape goat to victimise. The learned Lawyer for the management has urged before me that strong and convincing evidence is required to bring home the story of victimisation. In the instant case Sri S. K. Mondal has failed to establish by any cogent evidence to show that the officers of the relevant time had any grudge against him to rope him up in a case like the present one. The learned Lawyer for the management has urged before me that this S. K. Mondal was a terror to the management as a Trade Union Leader. This statement cuts both ways. From the evidence on record and the facts and circumstances I find that the management has made an attempt to show that this S. K. Mondal was responsible for every fault as if it was one man show which sounds absurd.

32. Now let us see what is habitual negligence? Habitual negligence or neglect would *prima facie* mean that the workman is by habit negligent in the discharge of his duties and, therefore, when habitual negligence is sought to be proved it is not the stray acts of negligence which are to be proved but the habit or confirmed tendency on the part of an employee to be negligent.

33. In the instant case we find that Sri S. K. Mondal failed to check the attendance registers and other connected registers relating to the attendance of S. Ghosh. We have already found that S. Ghosh had some sort of appointment and he himself had drawn the payments. There is no allegation that he has failed to check up the registers in general. When an employee is sought to be charged for habitual negligence then some expression should be used in the chargesheet to show that the negligence is of habitual character. But in the instant case we do not find any such specific expression. So I must say that the charge of habitual negligence is vague. But considering the entire background and the facts and circumstances of the present case, I find that Sri S. K. Mondal was negligent in performing his duty. But it is not the case of habitual negligence.

34. To sum up I find that S. Ghosh got some sort of appointment as it is clear from the letter of the Vocational Training Centre and he himself had drawn the payments. So the charges on first two counts have failed. But as regards

the third count of charge that is habitual negligence I find that it is not a case of habitual negligence but it is case of negligence.

35. Now we come to the question of punishment. Sri S. K. Mondal has urged in his written reply that he was a hard pressed employee with heavy load of work. Considering the nature of duties described in the chargesheet it cannot be disputed that he was really a hard pressed employee with heavy load of work. Further he has urged that he has untarnished service career. That point has not been challenged by the management. So we find that Sri S. K. Mondal has a clean record of service and it is the first offence and it is the first time we find him negligent in work. We find that only the charge of negligence has been proved and not of habitual negligence, so it must be said that the order of dismissal passed in this case is disproportionate with the offence committed by the concerned workman. In this connection it will not be out of place to mention that in the present era dismissal from service is worse than capital punishment. Hon'ble Supreme Court has held that in rare of the rarest cases capital punishment should be imposed. Taking the said principle as guideline I must say that the offence or misconduct in the instant case does not warrant dismissal from service as punishment. Sri S. K. Mondal the concerned workman has been out of employment since 23-8-86. In a case like the present one if his entire back wages are forfeited then it will be sufficient punishment for the offence committed by him. I find that he shall be reinstated in service with immediate effect but shall never be posted in the Accounts Section or Cash Section. The entire back wages upto 31-5-1990 may be levied against him as fine and the same may be forfeited and considering the nature of offence his passage of promotion may be blocked for ever and I think this punishment would meet the ends of justice.

Hence Ordered

36. That the action of the management in dismissing Sri S. K. Mondal, Resident Audit Clerk from 23-8-86 is not justified:—

- (a) Sri S. K. Mondal shall be reinstated in service with immediate effect, but he shall never be posted in the Accounts Section or Cash Section.
- (b) The entire back wages of Sri S. K. Mondal upto 31-5-90 are levied against him as fine and the same is forfeited. He shall not get any back wages upto 31-5-90.
- (c) Sri S. K. Mondal shall never be given any promotion to any post of higher responsibility.
- (d) Sri S. K. Mondal will get usual wages from 1-6-90 irrespective of the date of his actual reinstatement in service.

37. Before I part with the record I must say that for some obvious reasons the management did not make any attempt to bust the racket of irregular appointment and proceeded against one man as if it was a one man show though the facts speak otherwise.

This is my Award.

N. K. SAHA, Presiding Officer
[No. L-24012(179)/87-D.IV(B)]

का. प्रा. 1780.—शोधांगिक विदाय अधिकार, 1947 (1947 वा 14) की धारा 17 के सन्दर्भ में, शोधांगिक विदाय अधिकार अधिकारी भारत में इ. मी. एग के प्रबन्धन से संबद्ध नियोजकों शीर उनके कर्मकारों के बीच, प्रान्तीय भूमिकाओं विदाय में केन्द्रीय विदाय विदाय अधिकारी अधिकार द्वारा भारत के प्रबन्धन का प्रकाशित करते हैं, जो केन्द्रीय विदाय को 5 जून, 1990 द्वारा हुआ था।

S.O. 1780.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947) the Central Government hereby published the following award of the Central Government Industrial Tribunal Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Methani Colliery of ECL and their workmen, which was received by the Central Government on 5-6-90.

1583 GI/90—6.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL
Reference No. 28/1988

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the management of Methani Colliery of M/s. Eastern Coalfields Ltd.

AND

Their Workman

APPEARANCES :

For the Employers—Sri B. N. Lala, Advocate.

For the Workman—Sri C. D. Dwivedi, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 24th April, 1990

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No L-24012(180)/87-D.IV(B) dated the 17th February, 1988.

SCHEDULE

“Whether the Management of Methani Colliery of M/s. Eastern Coalfields Ltd., P.O. Sitarampur, Dist. Burdwan was justified in dismissing Sri Manik Paswan, Casual Wagon Loader w.e.f. 29-4-85? If, not, to what relief the workman concerned was entitled?”

2. During the pendency of the case, today (24-4-90) Sri C. D. Dwivedi, learned Advocate for the union filed a petition, signed by the President of the concerned union, submitting therein that the concerned union is no longer interested to pursue the instant matter. In the petition the union has also prayed for a no dispute award in this case. Sri B. N. Lala, learned Advocate representing the management has no objection in this regard.

3. Upon consideration of the petition and the submission of the parties, this Tribunal has no other alternative but to pass a 'no-dispute' award and accordingly a 'no dispute' award is passed.

This is my award.

N. K. SAHA, Presiding Officer
[No. L-24012(180)/87-D.IV(B)]

का. प्रा. 1781. शोधांगिक विदाय अधिकार, 1947 (1947 वा 14) की धारा 17 के सन्दर्भ में, शोधांगिक विदाय अधिकारी भारत में इ. मी. एग के प्रबन्धन से संबद्ध नियोजकों शीर उनके कर्मकारों के बीच, प्रान्तीय भूमिकाओं विदाय में केन्द्रीय विदाय अधिकारी अधिकार द्वारा प्रकाशित करते हैं, जो केन्द्रीय विदाय को 6 जून, 1990 को प्राप्त हुआ था।

S.O. 1781.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Haripur Colliery of ECL and their workmen, which was received by the Central Government on 6-6-90.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL
Reference No 28/89

PRESENT :

Shri N. K. Saha, Presiding Officer.

12. नियोक्ता शत्रुघ्न भविष्य निधि के देश अपने कर्मचारियों के अंशशास्त्रों के अधिकारी भाइ भी । १५ नवीन्य तक न्यासी बोर्ड को अनुरित कर देगा। अंशदाताओं को विस्तृत में अवश्यकी करने के लिए समान परिस्थितियों में नियोक्ता सुकृतार्थी देने का उमी प्रकार उत्तरदायी होगा जिस प्रकार एक न-कृष्ट लाय स्थापना उत्तरदायी होती है।

13. ना भी बोर्ड संस्कार द्वारा समय-समय द्विए गए निवेशों के अनुसार निधि में जमा रखियों या निवेश करेगा। प्रतिसूचियों न्यासी बोर्ड के नाम पर प्राप्त की जानकी और सामग्रीय रिजर्व बैंक के जमा नियन्त्रण में अनुसंचित बैंक की अधिकारी में रखा जा गा।

14. न-कृष्ट के निवेशों के अनुसार निवेश न करने पर न्यासी बोर्ड अनग्र-अन्वय स्वरूप वे और एक साथ केन्द्रीय भविष्य निधि आयकृत या उसके प्रतिनिधियों द्वारा उपलब्ध या अधिक प्रभाव का उत्तरदायी होगा।

15. न्यासी बोर्ड एक बहुत अधिक रजिस्टर लैंगर करेगा और द्वारा और दिमोक्रत शाय को गम्भीर पर वसूली सुनिश्चय करेगा।

16. जमा किए गए अंशदाताओं, नियोक्ते गए और प्रत्येक कर्मचारी में संबंधित स्थान को विद्वाने के लिए न्यासी बोर्ड विस्तृत तैयार करेगा।

17. विस्तीर्ण लेखा वर्ती की समाप्ति के लाई भाइ के अन्दर बोर्ड पर्सनल कर्मचारी को वापिश लेखा विवरण जारी करेगा।

18. बोर्ड प्रत्येक कर्मचारी को वापिश लेखा विवरण के स्थान पर पास बैठ जानी कर रहता है। ये पास वक्त कर्मचारियों की अधिकारी में रहेंगी और कर्मचारियों के अनुसन्धान पर बोर्ड ने द्वारा इन्हें अधिनन किया जाएगा।

19. लेखा वर्ती के पहले रिप्रेशन आदि शेष पर प्रत्येक कर्मचारी के लेखे में व्याज उस दर से जमा किया जाएगा जिसका न्यासी बोर्ड निर्णय करे परन्तु यह उक्त स्कीम के पैरा ६० के अन्तर्गत केन्द्रीय संस्कार द्वारा घोषित दर से कम नहीं होगा।

20. यदि न्यासी बोर्ड के अधिकारी के द्वारा बृद्धि व्याज की दर इस कारण से कि निवेश पर आग कम है या किसी अन्य कारण से अदा करने में असमर्थ है तो इस कमी को नियोक्ता पूरा करेगा।

21. नियोक्ता भविष्य निधि की जारी के कारण लृप्त खोद खातान, गवन अधिकारी या कारण से ही हस्ति को पूरा करेगा।

22. नियोक्ता और न्यासी बोर्ड, जैसी भविष्य निधि आयकृत को नियोक्ता विवरणी प्रस्तुत करेगा जो समय-समय पर केन्द्रीय संस्कार/केन्द्रीय भविष्य निधि आयकृत नियांत्रित करें।

23. उक्त स्कीम के पैरा ६० की जैसी पर किसी कर्मचारी को नियोक्ता के सदस्य न रहने पर यदि स्थापना के भविष्य निधि नियमों में नियोक्ताओं के अंशदाताओं को अब करने की व्यक्तिया है तो न्यासी बोर्ड इस प्रभाव अवल की गई नियमों का अन्य से लेखा तैयार करेगा और उसे ऐसे नयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयकृत को पूर्व अनुमति में मुद्रितित किया गया हो।

24. स्थापना के भविष्य निधि नियमों में विस्तृत किसी वान के होते हुए भी यदि किसी व्यक्ति की सेवा निवृत्ति दोनों के फलस्वरूप या किसी अन्य प्रतिष्ठान में नौकरी करने पर निधि की सक्षमता समाप्त हो जानी है यह एक लगता है कि प्रतिष्ठान वे भविष्य निधि नियमों के अन्तर्गत अंशदाता की दर समाप्त होनी द्वारा संतुष्टिक योजना के अन्तर्गत दी गई दरों की तुलना में कम अनुच्छेद है तो अन्तर का कहन नियोक्ता द्वारा किया जायेगा।

25. नियोक्ता भविष्य निधि के प्रभावन में संबंधित सभी वर्ते नियमों के रद्द-खाता रिटेन प्रस्तुत किए जाने, नियमों का अन्तर्गत शामिल है बहुत कम्पनी।

26. नियोक्ता समृच्छित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की प्रक्रिया प्रति न्या जब भी कोई संशोधन होता है उसकी मुहूर शास्त्रों को कर्मचारियों के बहुयत की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाया।

27. "गम्भीर सरकार" स्थापना की चालू छट पर और शास्त्रों लगा सकती है।

28. यदि उक्त अधिनियम के अन्तर्गत स्थापना वर्ती जिसमें उसकी स्थापना आनी है वर अंशदाता की दर बढ़ायी जाती है तियोक्ता भविष्य निधि अंशदाता भी वर उक्त रूप में बढ़ाया, ताकि उक्त अधिनियम के अन्तर्गत विए जाने काले जामों से स्थापना की स्कीम के अन्तर्गत विए जाने वाले नियंत्रित विवरण के लाभ किसी भी प्रकार ने कर न हो।

29. उक्त जामों में से किसी एक के उल्लंघन पर छट रद्द की जा सकती है।

[मंड़ा प्रा - ३५०१५(१२)/१० - स. मु. - २]
प. क. राज्यालय, अवर मन्त्री

New Delhi, the 11th June, 1990

S.O. 1782.—Whereas Messrs Industrial Credit and Investment Corporation of India Limited, 163, Backbay Reclamation, Bombay-400020 including its regional offices at Calcutta, New Delhi and Madras (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas in the opinion of the Central Government the rules of the Provident Fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) for sub-section (3) of section 17 of the said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the un-exempted establishments and the said Scheme framed thereunder.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees' Provident Fund Scheme, 1952.

4. Any amendment to the said scheme this is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically no amendment of the rules of the provident fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall, before giving his

approval, give a reasonable opportunity to the employees to explain their point of view.

5. All employees [as defined in section 2(f) of the said Act] who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees' Provident Fund (Statutory) or a Provident Fund of any other exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees' Provident Fund Organisation inter-alia for proper accounts of the receipts into and payments from the Provident Fund and the balance in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or an officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st of April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an unexempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of a Scheduled Bank under the Credit Central of the Reserve Bank of India.

14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a script-wise register and ensure timely realisation of interest and redemption proceeds.

16. The Board of Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of account to every employee within six months of the close of financial accounting year.

18. The Board may, instead of the annual statement of accounts, issue passbook to every employee. These pass

books shall remain in the custody of the employees and will be brought up to date by the Board on presentation by the employees.

19. The account of each employee shall be credited interest calculated on the opening balance as on the 1st day of the accounting year at such date may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason, then the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund due to theft, burglary, defalcation, misappropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribe from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employers' contribution in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said Scheme the Board of Trustees shall maintain a separate account of the amounts so forfeited and may utilise the same for such purposes as may be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding anything contained in the provident fund rules of the establishment, if on the cessation of any individual, from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is found that the rate of contribution, rate of forfeiture etc. under the provident fund rules of the establishment are less favourable as compared to those under the statutory scheme, the difference shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of Accounts, submission of returns, transfer of accumulations.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for contained exemption of the establishment.

28. The employer shall enhance the rate of provident fund contribution appropriately if the rate of Provident Fund contribution for the class of establishments in which his establishment falls is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[No. S-35015(12)/90-SS-D]
A. K. BHATTARAI, Under Secy.

नई दिल्ली, 11 जून, 1990

का. आ. 1783.—श्रीदीपिक विवाद अधिनियम, 1947 (1947 का 14) की घारा 17 के अन्तर्गत में केन्द्रीय सरकार द्वारा ईस्टर्न कोल-फिल्ड्स लिमिटेड के प्रबन्धसंग्रह से सम्बद्ध तिथोजनों प्रौद्य उनके कर्मचारों के बीच, प्रबन्ध से निर्दिष्ट श्रीदीपिक विवाद में केन्द्रीय सरकार श्रीदीपिक अधिकारण (सं. 1), धनबाद के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-6-90 को प्राप्त हुआ था।

New Delhi, the 11th June, 1990

S.O. 1783.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Eastern Coalfields Ltd., and their

workmen, which was received by the Central Government on the 5-6-90.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES :

Employers in relation to the management of Eastern Coalfields Ltd.

AND
Their workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri R. S. Murthy, Advocate.

For the Workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 23rd May, 1990

AWARD

By Order No. L-20012(139)/87-D.III(A)/D.IV(A), dated, the 14th July, 1988, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication by this Tribunal :

“Whether the action of the management of Regional Workshop, Mugma, in relation to M/s. Eastern Coal Fields Ltd. in dismissing from service Shri Mantoo Kumar Mondal, Welder, w.e.f. 1-7-1986 is justified ? If not, to what relief is the workman entitled ?”

2. The case of the employers in relation to the management of Regional Workshop, Mugma, of M/s. Eastern Coalfields Ltd. as disclosed in the written statement, details apart, is as follows :

The present reference is bad in law and not maintainable. The substantive case of the management of M/s. E.C.Ltd., is that it formulated a scheme for provision of employment to the land owners or their dependants in the event of their land being acquired for the purpose of mining operation and other purpose, besides paying the consideration for the land. This system was formulated because M/s. E.C.Ltd. required additional land for its collieries from time to time for mining operation or other work and there is resistance from the land owners to part with the land despite the fact that M/s. E.C. Ltd. is a public sector undertaking and required to produce coal to meet the requirements of the nation keeping in view the needs of the industries and economic growth of the country. The concerned workman Mantoo Kumar, was initially appointed as an apprentice/trainee under the aforesaid land-loser scheme of the management against a portion of land forming part of plot No. 671, Jamabandi No. 82, Mouza Mugma which was sold to M/s. E.C.Ltd by him for valuable consideration by registered deed. Such employments were offered by the management at the relevant time under certain terms and conditions and one of such condition is that if any dispute arose about the ownership of the land the employment of the land owner/nominee would be discontinued at any time. In the present case, the Dy. Commissioner, Dhanbad sent a letter No. 235/TC dated 21-1-85 to E.C. Ltd. Management stating that after enquiry it was found that the above plot formed part of Government land and its ownership vested in the Government of Bihar and no one could have sold it to E.C. Ltd. The whole arrangement was conceived and implemented by S/Shri Ram Ratan Tewary and Mantoo Kumar Mondal keeping an eye on the land-loser scheme of M/s. E.C. Ltd. Anyway, after receipt of the letter of the Dy. Commissioner, Dhanbad, the concerned workman was issued with a chargesheet dated 24/25-2-86 and he was charged with cheating E.C. Ltd., and committing fraud and dishonesty in connection with com-

pany's business/property. After receipt of the explanation of the workman concerned and finding it unsatisfactory a domestic enquiry was held and Shri R. C. Sharma, Personnel Manager, Kapasera Area of E.C.L. was appointed Enquiry Officer. The Enquiry Officer held the domestic enquiry with due notice to the workman concerned in accordance with the principles of natural justice. On the basis of enquiry held by him, the Enquiry Officer submitted his report in which he gave the finding to the effect that the workman concerned was found guilty of the charge framed against him. Thereafter the matter was considered by the General Manager, Kapasera Area, he accepted the finding of the Enquiry Officer and came to the conclusion that it was a fit case for dismissal of the workman concerned from service. Accordingly, the concerned workman was dismissed from service by letter dated 30th June/1st July, 1986. In the circumstances the management has submitted that its actions in dismissing the workman concerned from service be held to be justified.

3. The case of the sponsoring union, Bihar Colliery Kamgar Union, as disclosed in the written statement submitted by it on behalf of the concerned workman, briefly stated, is as follows :

The concerned workman, Mantu Kumar Mondal was originally appointed by the management on 11-9-81 as an apprentice for one year under land-loser scheme. He was owner of the land being plot no. 671 which appertains to Khatia No. 49 and Mouza No. 69 after acquiring it from Ram Ratan Tiwary by purchase. About 39 persons also have been given employment as per land-loser scheme and those lands appertain to Mouza No. 69 and Khatia No. 49 and Ram Ratan Tiwary was the owner of such land. Before purchasing the land the management sought clarification from Circle Office about the title to and possession of the concerned workman in the land. The Circle Officer verified the authenticity of the ownership of the workman concerned on 27-5-81. He completed his period of apprenticeship successfully and was regularised as Workshop Welder at Mugma. He had been working as permanent workman against permanent vacancy since long to the entire satisfaction of the management and in the process he had put in 240 days attendance in each calendar year prior to the termination of his service with effect from 1-7-86. All on a sudden Deputy Chief Engineer issued a chargesheet dated 24/25-2-86 to him for the alleged offence that the land which he had sold to the company belonged to the State Government. It was alleged further that he had committed fraud and dishonesty in connection with company's business. He vehemently protested against illegal and arbitrary allegation as contained in the chargesheet by drawing attention of the management to the Registered Sale Deed and clearance certificate of the Circle Office. He also drew the attention of the management to the fact that other persons who were given employment on the basis of sale of land whose owner was Ram Ratan Tiwary. Despite the satisfactory reply the management dismissed him from service w.e.f. 1-7-86. It is alleged that chargesheet was illegal and arbitrary and was issued by a person who had no authority under the provision of the Standing Order to issue such chargesheet. The chargesheet also does not discloses the provision of the Standing Order which was allegedly violated by the workman concerned. The management held invalid and irregular departmental enquiry and did not afford any opportunity to the workman concerned to adduce his evidence and to cross-examine fully the witnesses for the management. It is alleged that the management has miserably failed to prove the charge against the workman concerned by adducing any legal evidence in the departmental enquiry. It is worthwhile to mention that the dependant of Ram Ratan Tiwary has secured employment on the basis of his being the owner of land appertaining to Mouza No. 69 and as is still working. Anyway, the union raised an industrial dispute with the A.L.C.(C), Dhanbad, assailing illegal and arbitrary dismissal order of the management. The Central Government, however, refused to make a reference for adjudication of the industrial dispute. The union thereupon challenged before Hon'ble Patna High Court the decision of the Central Government and the Hon'ble Court, after appreciating the fact of the case, directed the Central Government to refer the dispute for adjudication. Accordingly the dispute has been referred by the appropriate Government for

adjudication. The union has submitted that the action of the management in dismissing the workman concerned from service be held to be unjustified and that he be reinstated in service with full back wages.

4. In rejoinder to the written statement of the sponsoring union, the employer has alleged that the concerned workman indulged in manipulations, fraud and dishonesty to secure employment under M/s. E.C. Ltd. under land loser scheme. In the present case the matter for consideration is plot No. 671 of Khatta No. 49 of Mouza 69 of Mouza and whether the concerned workman sold the plot to E.C. Ltd. by indulging in fraud and dishonesty. The essence of the matter is whether the concerned workman was the owner of the piece of land sold by him to the management. Actually the land belonged to the State Government of Bihar and the concerned workman has secured employment in E.C. Ltd. by resorting to manipulation, fraud and dishonesty. The management has asserted that the domestic enquiry was held in accordance with the principle of natural justice and submitted that its action in dismissing the concerned workman from service is justified.

5. In rejoinder to the written statement of the management, the sponsoring union has stated that the action of the management in dismissing the workman concerned from service is illegal and motivated since many other workmen have been provided employment on the basis of sale of parcel of land appertaining to the same plot. It is alleged that the concerned workmen has been singled out by the management with an ulterior motive to victimise him for his trade union activities. The sponsoring union has denied emphatically that the concerned workman had indulged in manipulation, fraud or dishonesty with respect to the sale of parcel of land as alleged by the management.

6. At the instance of the management, the question of fairness and propriety of the domestic enquiry was considered as a preliminary issue. At the time of hearing Shri D. Mukherjee, authorised representative of the sponsoring union, submitted a petition conceding that the domestic enquiry be considered to have been held fairly and properly. Accordingly, it was held that the domestic enquiry was held fairly and properly and thereupon parties arrayed canvassed their respective cases before me on merits.

7. Shri R. S. Murthy, learned Advocate for the management, has relied on the proceeding of the domestic enquiry in support of the case of the management and produced some other items of documents for consideration. On the other hand, Shri D. Mukherjee has produced a Registered Sale Deed of Conveyance executed by Ram Ratan Tiwary on 22-5-81 in favour of the concerned workman.

8. Admittedly, the concerned workman, Mantu Kumar Mondal, was appointed by the management of Regional Workshop, Mugma of M/s. E.C. Ltd. as an Apprentice on 11-9-81 and later he was employed as Welder in Regional Workshop, Mugma of M/s. E.C. Ltd. It is an undeniable position that the management of M/s. E.C. Ltd. formulated a scheme for provision of employment to land owners or their dependants in the event of their land being acquired for the purpose of mining operation or other purpose besides paying the consideration for the land and that the concerned workman was initially appointed as an Apprentice under the aforesaid Land Loser Scheme of the management. It is also the irrefragable position that consequent upon a letter issued by the Deputy Commissioner, Dhanbad, dated 21-1-1985 to the management of M/s. E.C. Ltd. stating that the plot of land formed part of Government land, the management initiated departmental proceeding against the concerned workman for misconduct for commission of fraud and dishonesty in connection with company's business and since the land sold by the concerned workman appertaining to the plot of land which, according to Deputy Commissioner, Dhanbad, formed part of Government land, he was found guilty in departmental proceeding and accordingly he was dismissed from service with effect from 30-6-86. It remains to be seen whether the concerned workman has committed fraud or dishonesty with respect to company's business or property by the sale of land allegedly forming part of Government land.

9. It appears that one Ram Ratan Tiwary, by Registered Deed of Conveyance dated 22-5-81 sold away a parcel of land measuring one acre which appertains to plot 671, Khatta No. 49 and Mouza No. 69 (Mugma), P. S. Nirsa to the concerned workman. The concerned workman sold away this parcel of land to M/s. E.C. Ltd. by Registered Deed dated 20-6-81. It is contended by the management that the concerned workman has committed fraud and dishonesty with respect to company's business by selling a portion of plot of land which formed part of Government land. In support of this contention, the management has produced the letter of Deputy Commissioner, Dhanbad, dated 21-1-86. In the said letter the Deputy Commissioner has complained that S/Shri Naresh Singh and Jawahar Singh got employment by showing wrong land and that these persons purchased land from Ram Ratan Tiwary who grabbed it. Deputy Commissioner has asserted that the land is Government land and that action had been taken for cancellation of Jamabandi opened by the Circle, D. C. requested the management not to give employment to any person against Plot No. 671, Jamabandi No. 82. Thus, it appears from the letter of D. C. that the land purchased by Singhs was grabbed by Ram Ratan Tiwary and that those parcel of land sold by Singhs are land of the Government of Bihar and action was initiated for cancellation of Jamabandi. D. C. requested further not to give any new employment against Plot No. 671 and Jamabandi No. 82. The letter of the Deputy Commissioner does not indicate that the entire land or the plot measuring 12.30 acres formed part of Government land. The Singhs had purchased so it transpires from the materials on record, one acre each from Plot No. 671 and D. C. has alleged that this parcel of land formed part of Government land. The letter of the D. C. does not indicate that Ram Ratan Tiwary grabbed the parcel of land measuring one acre out of Plot No. 671 which sold to the concerned workman. Anyway, the letter of the D. C. cannot create any title to or extinguish any title to the property just as a record of right cannot create any title to property nor can it extinguish any title to property. In my view, the management was not justified in coming to the conclusion that the concerned workman committed fraud/dishonesty with respect to company's business simply on the basis of the letter of the D. C. even if, the letter of the D. C. is construed as a document claiming that the entire plot of land is the Government land. I have already pointed out that the letter of the D. C. Dhanbad is not specific on the point as to whether the entire plot of land is the Government land.

10. The report of the Enquiry Officer indicates that the management of M/s. E.C. Ltd. purchased the parcel of land from the concerned workman after being satisfied with his title to the property which was cleared by the Circle Officer, a Government Officer. That being so, the possibility of the concerned workman committing fraud/dishonesty with respect to company's property by disposing of a parcel of land belonging to him becomes almost impossible.

11. In any view of the matter, I consider that the management was not justified in dismissing the concerned workman from service without holding a proper enquiry in the matter. The management of M/s. Eastern Coalfields Ltd. may hold such enquiry once again as it deems fit and to take action thereon. But meanwhile the concerned workmen is entitled to be reinstated in service.

12. Accordingly, the following award is rendered—the action of the management of Regional Workshop, Mugma, in relation to M/s. Eastern Coalfields Ltd. in dismissing from service Shri Mantu Kumar Mondal Welder, with effect from 1-7-1986 is not justified. The management is directed to reinstate the concerned workman in service within three months from the date of publication of the award and to give him back wages with effect from the date of the present reference i.e. 14-7-1988 and meanwhile to hold an enquiry to be conducted by the appropriate authority as to whether the parcel of land sold to it by the concerned workman forms part of Government land by reason of the vesting of the entire plot of land in the state of Bihar.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer
[No. L-20012(139)/87-D.III.A/D.IV(A)]

नई दिल्ली, 14 जून, 1990

का. नं. 1784—श्रोतुर्यापक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसार म, नेशनल भरतीय मैट्टर्स शारन कॉर्पोरेशन को. नं. एस. चन बोर्डर्स के प्रबन्धन में सम्बद्ध तियोगीनि और उनके कर्मकारों के बीच धार्यावान ने लिखित अधिनियम (विवाद में केवल ग्राहक और ग्राहक आंसूगण (म. 1) प्रबन्धन के प्रति का विवाद) कर्ता है, जो केवल वर्षावार का 5-6-90 को शार्न दृढ़ा था

New Delhi, the 14th June, 1990

S.O. 1784.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bharat Coking Coal Ltd., Chunch Colliery, and their workmen, which was received by the Central Government on the 5-6-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 62 of 1984

PARTIES :

Employers in relation to the management of Chunch Colliery of M/s. B. C. C. Ltd.

AND
Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the employers : Shri R. S. Murthy, Advocate.

For the Workmen : Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 22nd May, 1990.

AWARD

By Order No. L-20012(57)84-D.III(A), dated, the 22nd September, 1984, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand of Rashtriya Colliery Mazdoor Sangh that Shri Ali Mohamad, Fan Khalasi in the Chunch Colliery of Messrs Bharat Coking Coal Limited who was superannuated from service by the management with effect from 1-2-82, should be allowed to resume and continue in his duties, is justified? If so, to what

relief is this workman entitled and from what date?”

2. The case of the sponsoring union, Rashtriya Colliery Mazdoor Sangh, as appearing from the written statement submitted on behalf of the concerned workman, Ali Mohamad, details apart, is as follows :

Ali Mohamad was employed as a permanent workman in Chunch Colliery of M/s. B.C.C. Ltd. and his date of employment as recorded in the Identity Card of the erstwhile management was 1924 and on that basis he was to retire from service in December, 1984. The management of Chunch Colliery by its letter dated 20-1-82 informed him that he would complete 60 years of age on 31-12-81 and his service would stand terminated after one month from the date of the letter. He was thus made idle with effect from 1-2-82 and thus the action of the management is arbitrary, illegal and malafide. The sponsoring union, Rashtriya Colliery Mazdoor Sangh, Dhanbad, made a protest in writing by letter dated 3-2-82 issued by its General Secretary to the Agent, Chunch Colliery against the action of the management, but without any effect. Letter was written to the General Manager, Begunia Area No. XII which was the controlling office of Chunch Colliery by the General Secretary of the sponsoring union but that too without any effect. A third letter dated 17-2-83 written to the Personnel Manager, Area No. XII of M/s. B. C. C. Ltd. by the Secretary of the sponsoring union met with the same fate. Thereafter industrial dispute was raised before the Asstt. Labour Commissioner (Central), Dhanbad, by the sponsoring union, by letter dated 23-3-83, whereupon the management intended to settle the issue by mutual discussions. But again the matter was kept pending by the management with the result that the sponsoring union was forced to make another representation dated 18-7-83 to the A.L.C. (C), Dhanbad, who held conciliation proceeding but that ended in a failure due to adamant attitude of the management. Since the concerned workman was due to retire from service with effect from December, 1984 his pre-mature retirement from 1-2-82 was illegal. In the circumstances the union has prayed that the concerned workman should be deemed to be in service till 31-1-84 and he is entitled to receive from the management wages and allowance and other benefits for the forced period of idleness from 1-2-82 to 31-1-84.

3. The case of the management of Chunch Colliery of M/s. B.C.C.L. as disclosed in its written statement, briefly stated, is as follows :

The present reference relating to the industrial dispute is bad in law and not maintainable. The concerned workman was employed in Chunch Colliery as Fan Khalasi and he was superannuated by the management with effect from 1-2-1982 after he had attained the age of 60 years which is the age fixed for superannuation of the workman of the management. He started his employment with the erstwhile management of Chunch colliery which was a coking coal mine and this mine was nationalised with effect from 1-5-72 under the Coking Coal Mines (Nationalisation) Act. The ownership of this colliery was transferred to M/s. B.C.C.L. by the Central Government under the said enactment. In the service card maintained by erstwhile employer of Chunch Colliery the

year of birth of the concerned workman was recorded as 1921. Even in the Form 'B' register of the colliery the year of his birth was recorded as 1921. The management of M/s. B.C.C. Ltd. issued identity card to its workmen after nationalisation of collieries and even in that register the year of his birth was recorded as 1921. He has affixed his thumb impression in all the aforesaid documents. Thus there is an admission on his part with respect to the year of his birth. It is alleged that the entire case of the workman is based on mis-representation and falsehood and is an product of an afterthought. Since he attained the age of superannuation after completion of 60 years of age in 1981, the management was entitled to superannuate him with effect from 1-2-82 and it did so accordingly. In fact, in the absence of actual month and date of birth in the year 1921 when he was born, he secured an additional benefit of staying in the service of the management for a few months more. It is well settled that the claim of the employees for changing their date of birth at the fag end of their service career is liable to be rejected. In the context of these facts and circumstances it has been submitted by the management that the demand of the sponsoring union be held to be unjustified.

4. In rejoinder to the written statement of the sponsoring union, the management has admitted that the concerned workman was a permanent employee when he was superannuated from the service of the management, but denied emphatically that the date of his employment as recorded in identity card issued by the erstwhile employer was 1924 and that on that basis he was retire from service in December, 1984. The management has denied that the concerned workman was made idle with effect from 1-2-1982 by its illegal, arbitrary and malafide act. It has been emphatically denied that the concerned workman was pre-maturely retired from service by the management and asserted that the demand of the sponsoring union has got no merit and must be rejected.

5. The sponsoring union has examined the concerned workman and introduced in evidence one item of document which has been marked Ext. W-1. On the other hand, the management has examined three witnesses, namely, MW-1 Mongal Chakraborty, working as clerk in Sodpur Central Stores of M/s. E.C. Ltd., MW-2 S. K. Sanyal who worked in Victoria West Colliery owned by M/s. Bengal Coal Company and MW-3 Indranil Banerjee, who worked at Chunch Colliery as P.O.'s clerk from 26-3-74 to September, 1985 and laid in evidence a number of documents which have been marked Exts. M-1 to M-7.

6. The record bears out that the present industrial dispute was made by the appropriate Government on 22-9-84 and this was received in the office of the Tribunal on 27-9-84. It appears from the evidence that the concerned workman, Ali Mohammad, had left the mortal world on 2-6-89 on account of Pulmonary T.B. with emaciation from Malnutrition (Ext. M-7). It also transpires from the evidence that he survived by his widow, Hasina Bibi.

7. There is no dispute that Chunch colliery is a coking coal mine which was nationalised with effect from 1-5-82 in terms of Coking Coal Mines (Nationalisation) Act and that the ownership of this

colliery was transferred to M/s. B.C.C. Ltd. by the Central Government under the said enactment. It transpires from evidence that M/s. Bengal Coal Company was the owner of Chunch colliery prior to nationalisation. The sponsoring union has stated in its written statement that the concerned workman was permanent employee and that his date of employment as recorded in identity card of erstwhile management was 1924 and that on that basis he was to retire from service in 1984. The management has admitted that the concerned workman was a permanent employee, but denied that his date of employment was 1924. I have already stated that M/s. Bengal Coal Company was the erstwhile owner of Chunch Colliery prior to its nationalisation on 1-5-72. In support of its contention the sponsoring union has produced the identity card purported to have been issued by the erstwhile owner to the concerned workman. This identity card discloses that the year of birth of the concerned workman was 1924 and his date of appointment was 1-9-36 (Ext. W-1). Thus, it is seen that the year of employment of the concerned workman in M/s. Bengal Coal Company was not in 1924, but on 1-9-1936. Evidently the sponsoring union has committed a mistake in its written statement by stating that the year of employment of the concerned workman was 1924. In my view the sponsoring union intended to state that the year of birth of the concerned workman was 1924 and this is evidenced from the identity card purported to have been issued by the erstwhile owner M/s. Bengal Coal Company (Ext. W-1). But this identity card neither bears the signature of the concerned workman, who, as the evidence discloses, can ~~not~~ ~~not~~ English ~~not~~ does it bear his photograph or the signature of any officer of the Company. In my view, this identity card is incomplete and cannot be considered to be a reliable document for asserting the date of birth of the concerned workman. On the other hand, the management has produced the service card of the concerned workman bearing his photograph, thumb impression and the signature of the P.O. of the Chunch Colliery at the relevant time, Mr. M. Singh (Ext. M-5). It appears that the management of M/s. BCCL prepared Form 'B' register of the workmen of Chunch Colliery in 1972. The management has claimed that this register was prepared on the basis of the old register of the erstwhile owner. In the Form 'B' register prepared by the management of M/s. BCCL, the year of birth of the concerned workman has been recorded as 1921 and the date of commencement of his employment has been recorded as 1936 (Ext. M-6).

8. Shri B. Bose, authorised representative of the sponsoring union, has contended that this Form 'B' register is not worthy of credence since it was not prepared contemporaneously with the appointment of the concerned workman in the service of the colliery.

Shri R. S. Murthy, Advocate for the management, has contended that this Form 'B' register is reliable document in the context of fact that it is supported by service card of the concerned workman prepared by the erstwhile owner.

9. Indeed the Form 'B' register was not prepared contemporaneously with the appointment of the concerned workman in service of M/s. Bengal Coal

Company. Even then the date of birth of the concerned workman as recorded therein gets support from the service card of the concerned workman maintained by M/s. Bengal Coal Company. In the circumstances, I cannot rule out the evidentiary value of Form 'B' register produced by the management.

10. The case of the management is supported by approaching the matter from another angle. The concerned workman, in his testimony, has stated that he got married at the age of ten employed at the age of twelve. He has further stated that he has got three brothers, all of whom are alive and his next brother Alizan was working in Sodpur Works and he is now sitting idle. He has also stated that Alizan was working as Tyndal and that he was younger than him by 5/6 years. The management has produced the Form 'B' register of Alizan. This Form 'B' register gives the description of Alizan Mia as follows :

- (i) Father's name—Late Wahadali Mia
- (ii) Age—1927.
- (iii) Designation—Tyndal.
- (iv) Home address—Vill.—Gopalganj, P. O. Lachliganj, P.S. Lachliganj, Dist. Palamou.
- (v) Date of commencement of employment—1951.

The following particulars of the concerned workman appears from his service card :

- (i) Year of birth—1921.
- (ii) Father's name—Late Wahadali Mia.
- (iii) Village—Gopalganj, P. O. Lachliganj, (Palamou).

Thus, it is seen that Form 'B' register produced by the management in respect of Alizan Mia who was working in Sodpur Central Stores (Ext. M-3) contains particulars relating to father's name, village and Post Office and district which agree with that of the concerned workman as revealed in his service card and Form 'B' register. According to the concerned workman Alizan was younger than him for 5/6 years. The year of birth of Alizan Mia has been recorded as 1927 in Form B Register. That being so, the year of birth of the concerned, as per his own testimony, was 1921/22. That his year of birth was 1921 is evidenced from service card and Form 'B' register (Ext. M-5 and M-6 respectively). This is corroborated by the testimony of the concerned workman and the Form 'B' register of his younger brother Alizan (Ex. M-3).

11. Thus, preponderance of evidence establishes the fact that the concerned workman was born in 1921. But his actual date of birth is not available from evidence. There is no dispute that workmen of M/s. B.C.C. Ltd. reach the age of superannuation on completion of 60 years of age. This being the position, the concerned workman reached the age of superannuation sometime in 1981. The management has superannuated him from service with effect from 1-2-82. But the exact date of birth of the concerned workman is not available. Nevertheless, his year of birth has been established by evidence to be 1921. Model Standing Order on additional items applicable to all industries envisages where exact date of birth

is not available and the year of birth is only established then the 1st July, of the said year shall be taken as the date of birth. As per this Model Standing Order the date of birth of the concerned workman should be taken as 1-7-1921 because his exact date of birth is not available and his year of birth has been established by evidence. This being so, the concerned workman was to retire from service with effect from 1-7-1981. But the management has superannuated him from service with effect from 1-2-1982 and in doing so, the management, in my view, has not done anything wrong. Concerned for allowing the concerned workman to resume and continue in his duty job in the context of changed circumstances his remuneration for the period he allegedly remained idle is not justified.

12. Accordingly, the following award is rendered—the demand of Rashtriya Colliery Mazdoor Sangh that Ali Mohamad, Fan Khalasi, in Chanch Colliery of M/s. B.C.C. Ltd. who was superannuated from service by the management with effect from 1-2-1982 should be allowed to resume and continue his duty or he should be allowed to get his wages and other benefits for the period he remained idle by the act of the management is not justified.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer
[No. L-20012(57)|84-D. III(A)|IR (Coal I)]
K. J. DYVA PRASAD, Desk Officer

मई विली, 12 जून, 1990

का. आ. 1785—खात प्रधिनियम, 1952 (1952 का 35) की खात 5 की उपधारा (1) द्वारा प्रवत नियमों का प्रयोग करते हुए केन्द्रीय सरकार श्री मुन्ना टांडी को याग्ने शादें तक मुक्त खात निरीक्षक के प्रबोन्ह खात निरीक्षक नियुक्त करती है।

[सं. ए- 12025/1/88- खात I/प्रौ. मु. एवं स्वा-I]
श्रम विवरण पाण्डेय, उप सचिव

New Delhi, the 12 June, 1990

S.O. 1785.—In exercise of the power conferred by sub-section (1) of the Section 5 of the Mines Act, 1952 (35 of 1952) the Central Government hereby appoints Shri Munna Tandi as Inspector of Mines subordinate to the Chief Inspector of Mines, until further orders.

[No. A-12025|1|88-MI|ISH. J]
R. T. PANDEY, Dy. Secy.

नई विली, 14 जून, 1990

का. आ. 1786—केन्द्रीय सरकार में यह समावान हो जाने पर कि लोकान्तर में ऐसा करना अपेक्षित था, श्रोतोगिक विवाद प्रधिनियम, 1947 (1947 का 14) की शारा 2 के बंद (ङ) के उपबंद (6) के उपबंदों के अनुसरण में, भारत सरकार के अम विवाद की प्रधिसूचना मेंलगा था। आ. 3305 शारीर 14 दिसंबर, 1989 सिव्युरिटी पेपर, मिल, होणगाबाद को उक्त प्रधिनियम के प्रयोजनों के लिए 19 दिसंबर, 1989 से छः बात की कालावधि के लिए लोक उपयोगी सेवा शोधित किया था,

प्रीर केन्द्रीय सरकार की राय है कि लोकान्तर में उक्त कालावधि को छः बात की कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः यह श्रोतोगिक विवाद प्रधिनियम, 1947 (1947 का 14) की शारा 2 के बंद (ङ) के उपबंद (6) के परामुक्त द्वारा प्रदल शक्तियाँ

